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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-Section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

गृह मंत्रालय

(आन्तरिक सुरक्षा विभाग)

(पुनर्वास प्रभाग)

नई दिल्ली, 27 जुलाई, 1990

MINISTRY OF HOME AFFAIRS

(Department of Internal Security)

(Rehabilitation Division)

New Delhi, the 27th July, 1990

S.O. 2206.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri B. K. Das, Joint Secretary in the Ministry of Home Affairs, Rehabilitation Division as Chief Settlement Commissioner for the purpose of performing the functions assigned to such Chief Settlement Commissioner by or under the said Act.

2. This supersedes notification No. 1(1)/Spl. Cell/90-Settlement dated the 24th April, 1990.

[No. 1(3)/Spl. Cell/90-SS.II/S.(A)]

का.आ 2206—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद् द्वारा गृह मंत्रालय, पुनर्वास प्रभाग में संयुक्त सचिव श्री वादल कुमार दाम को उक्त अधिनियम के द्वारा अथवा उसके अधीन उन्हें मुख्य बन्दोबस्त आयुक्त के रूप में सौंपे गए कार्यों का निष्पादन करने के उद्देश्य से मुख्य बन्दोबस्त आयुक्त नियुक्त करती है।

2. इसके द्वारा अधिसूचना संख्या-1 (1)/विशेष सैल/99-बन्दोबस्त दिनांक 24-4-90 का अतिक्रमण किया जाता है।

[संख्या-1 (3)/विशेष कक्ष/90-एसएस-II/बन्दोबस्त(क)]

का.आ 2207—निष्क्रांत संपत्ति प्रबन्ध, अधिनियम, 1950 (1950 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद् द्वारा गृह मंत्रालय पुनर्वास प्रभाग में संयुक्त सचिव श्री वादल कुमार दाम को उक्त अधिनियम के द्वारा अथवा उसके अंतर्गत निष्क्रांत संपत्ति महाभिरक्षक को सौंपे गए कार्यों का निष्पादन करने के उद्देश्य से निष्क्रांत संपत्ति महाभिरक्षक नियुक्त करती है।

2. इस अधिसूचना द्वारा दिनांक 30-4-87 की अधिसूचना संख्या 1(3)/विशेष सैल/87-एसएस-II (अ) का अधिकरण किया जाता है।

[संख्या-1(3)/विशेष कक्ष/90-एम, एम-II/बन्दोबस्त(ख)]

मु. अमलम, उप-अधिक्ष

S.O. 2207.—In exercise of the powers conferred by Sec. 5 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Shri B. K. Das, Joint Secretary in the Ministry of Home Affairs, Rehabilitation Division as the Custodian General of Evacuee property for the purpose of performing functions assigned to such Custodian General by or under the said Act.

2. This supersedes notification No. 1(3)/Spl. Cell/87-SS.II(B) dated the 30th April. 1987.

[No. 1(3)/Spl. Cell/90-SS.II/S.(B)]

M. ASLAM, Dy. Secy.

कामिक, लोक शिकायत तथा पेंशन मंत्रालय

(कामिक और प्रशिक्षण विभाग)

नई दिल्ली, 3 अगस्त, 1990

का.प्रा. 2208—राष्ट्रपति, संविधान के अनुच्छेद 148 के खंड 5 के साथ पठित अनुच्छेद 309 के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और उन व्यक्तियों के संबंध में जो भारतीय लेखा परीक्षा और लेखा विभाग में सेवारत हैं भारत के नियंत्रक-महालेखा परीक्षक से परामर्श करने के पश्चात् केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 का और संशोधन करने के लिए निम्नलिखित नियम बनाने हैं अर्थात् :-

3. (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) संशोधन नियम 1990 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 में, "शीर्ष लघु शास्तियों" के अन्वीत खण्ड (iii) के पश्चात् निम्नलिखित खण्ड अंतः स्थापित किया जाएगा, अर्थात् :-

"(iii) क) काल-बेतनमान में किसी निम्नतर प्रक्रम पर, तीन वर्ष से अधिक अवधि के लिए, संवर्धी प्रभाव के बिना और उसकी पेंशन पर प्रतिकूल प्रभाव डाले बिना, अवनति,"

नोट : मुख्य नियम/आदेश दिनांक 20-11-65 की

अधिसूचना संख्या 7-2-63-स्था (क) द्वारा प्रकाशित किए गए और तदनंतर भारत के राजपत्र के भाग II खण्ड 3 उपखण्ड (ii) में प्रकाशित निम्नलिखित संख्या तथा तरीखों की अधिसूचनाओं द्वारा संशोधित किए गए :-

वर्ष	का.प्रा.	तारीख
1966	1149	13-4-66
	1590	4-6-76
	2007	9-7-66
	2648	2-9-66
	2854	1-10-66
1967	1282	15-4-67
	1457	29-4-67
	3253	16-9-67
	3530	7-10-67
	4151	25-11-67
1968	821	9-3-68
	1441	27-4-68
	1870	1-6-68
	3423	28-9-68
1969	5008	27-12-69
1970	397	7-2-90
1971	35217	25-9-71
	249	1-1-72
1972	990	22-4-72
	1600	1-7-72
	2789	14-10-72
1973	929	31-3-73
1974	1648	6-7-74
1976	2742	31-7-76
	4664	6-7-74
1977	3062	8-10-77
	3573	26-11-77
	3574	26-11-77
	3671	3-12-77
1978	2646	2-9-78
	2465	2-9-78
1979	920	17-2-90
1980	1769	5-7-80
1981	264	24-1-81
	2126	8-8-81
	2203	22-8-81
	2512	3-10-81
	168	23-1-82
1985	सं. 11012/15/84-स्था. (क)	5-7-85
	सं. 11012/5/85-स्था. (क)	20-7-85
	सं. 11012/68-5/स्था. (क)	6-8-85
	सं. 11012/12/85-स्था. (क)	11-12-85
	सं. 11012/24/85-स्था. (क)	26-11-86

1	2	3
1987 का.आ. 830		28-3-87
का.आ. 831		28-3-87
का.आ. 1591		27-6-87
का.आ. 1825		18-7-87
1988 का.आ. 3060		15-10-88
का.आ. 3061		16-10-88
1989 का.आ. 2207		16-9-89

[सं. 11012/4/86-स्था. (क)]

एम. वी. केशवन, निदेशक

MINISTRY OF PERSONNEL, P.G. & PENSIONS

(Department of Personnel & Training)

New Delhi, the 3rd August, 1990

S.O. 2208.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely:—

1. (1) These rules may be called the Central Civil Services (Classification, Control and Appeal) Amendment Rules, 1990.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 under the heading "Minor Penalties" after clause (iii), the following clause shall be inserted, namely:—

"(iii) reduction to a lower stage in the time scale of pay for a period not exceeding 3 years' without cumulative effect and not adversely affecting his pension;"

Note:—

Principal rules/order published vide Notification No. 7/2/63-Estt. (A) dated 20-11-1965.

Subsequently amended by Notification published in the Gazette of India Part II Section 3 Sub-Section (ii) under the following number and date:—

1966 S.O. 1149 dated 13-4-66
S.O. 1596 dated 4-6-66
S.O. 2007 dated 9-7-66
S.O. 2648 dated 2-9-66
S.O. 2854 dated 1-10-66
1967 S.O. 1282 dated 15-4-67
S.O. 1457 dated 29-4-67
S.O. 3253 dated 16-9-67
S.O. 3530 dated 7-10-67
S.O. 4151 dated 25-11-67
1968 S.O. 821 dated 9-3-68
S.O. 1441 dated 27-4-68
S.O. 1870 dated 1-6-68
S.O. 3423 dated 28-9-68
1969 S.O. 5008 dated 27-12-69

1970 S.O. 397 dated 7-2-90
1971 S.O. 3521/7 dated 25-9-71
S.O. 249 dated 1-1-72
1972 S.O. 990 dated 22-4-72
S.O. 1600 dated 1-7-72
S.O. 2789 dated 14-10-72
1973 S.O. 929 dated 31-3-73
1974 S.O. 1648 dated 6-7-74
1976 S.O. 2742 dated 31-7-76
S.O. 4664 dated 6-7-74
1977 S.O. 3062 dated 8-10-77
S.O. 3573 dated 26-11-77
S.O. 3574 dated 26-11-77
S.O. 3671 dated 3-12-77

1978 S.O. 2646 dated 2-9-78
... S.O. 2465 dated 2-9-78

1979 S.O. 920 dated 17-2-90

1980 S.O. 1769 dated 5-7-80

1981 S.O. 264 dated 24-1-81

S.O. 2126 dated 8-8-81

S.O. 2203 dated 22-8-81

S.O. 2512 dated 3-10-81

S.O. 168 dated 23-1-82

1985 Notification No. 11012/15/84—Estt. (A) dt. 5-7-1985

Notification No. 11012/5/85—Estt. (A) dt. 29-7-1985

Notification No. 11012/6/85—Estt. (A) dt. 6-8-1985

Notification No. 11012/12/85—Estt. (A) dt. 11-12-1985

Notification No. 11012/24/85—Estt. (A) dt. 26-11-1986

1987 S.O. 830 dated 28-3-1987

S.O. 831 dated 28-3-87

S.O. 1591 dated 27-6-87

S.O. 1825 dated 18-7-87

1988 S.O. 3060 dated 15-10-88

S.O. 3061 dated 16-10-88

1989 S.O. 2207 dated 16-9-89

[No. 11012/4/86-Estt. A]

M. V. KESAVAN, Director

नई दिल्ली, 7 अगस्त, 1990

आदेश

का.आ. 2209.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आन्ध्र प्रदेश राज्य की सरकार की सम्मति से (गृह) (एस.सी.ए. विभाग जी.ओ. आर.टी. सं. 1247 तारीख 14-5-90 देखिए) निम्नलिखित अपराधों की जांच के लिये दिल्ली विशेष पुलिस स्थापन के मदस्यों की शक्तियों और अधिकारिता का संपूर्ण आन्ध्र प्रदेश राज्य पर विस्तार करती है:—

(क) अष्टाचार निवारण अधिनियम, 1947 (1947 का 2) और अष्टाचार निवारण अधिनियम, 1988 (1988 का 49) के अधिनियमित भारतीय दण्ड संहिता की धारा 406, 407, 409, 411, 412, 413, 414, 417, 418, 419, 7, 420,

465, 466, 467, 468, 471 और 477-क के अधीन दण्डनीय अपराध।

(ख) पूर्वलिखित अपराधों में से किसी एक या अधिक अपराध या उन्हीं तथ्यों से उद्भूत एक ही संव्यवहार के अनुक्रम में किये गये किसी अन्य अपराध या अपराधों के संबंध में या उनसे संसक्त प्रयत्न, वृष्प्रेरण और षड्यंत्र।

परन्तु अधिसूचना केवल उन मामलों को लागू होगी जिनमें केवल केन्द्रीय सरकार के कर्मचारी और केन्द्रीय सरकार के लोक उपक्रमों में नियोजित व्यक्ति अन्तर्बिलित हों।

[संख्या 228/14/89-ए.वी.डी.-II(ii)]

जी. सीतारामन, अव्वर सचिव

ORDER

New Delhi, the 7th August, 1990

S.O. 2209.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Andhra Pradesh (vide Home (SCA) Department GO TRT. No. 1247 dated 14-5-90) hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of offences as hereunder.—

(a) Offences punishable under section 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 465, 466, 467, 468, 471 and 477-A of the Indian Penal Code (Act No. 45 of 1960) in addition to the Prevention of Corruption Acts 1947 (Act No. 2 of 1947) and 1988 (Act No. 49 of 1988).

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

Provided that this notification will be applicable to only cases in which Central Government employees and persons employed in Central Government Public Undertakings only are involved.

[No. 228/14/89-AVD.1(ii)]

G. SITARAMAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 13 जुलाई, 1990

(आय-कर)

का.आ. 2210.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “श्री राम वैकुण्ठ टेम्पल ट्रस्ट, पुष्कर, राजस्थान” को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिये अधिसूचित करती है।

सं. 8696/फा.सं. 197/262/89-आ. कर(नि.-1)

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 13th July, 1990

(INCOME-TAX)

S.O. 2210.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Shree Rama Vaikunth Temple Trust, Pushker, Rajasthan” for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8696/F. No. 197/262/89-IT(A.I)]

(आय-कर)

का.आ. 2211.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “श्री कैलाश आश्रम महासंस्थान, श्री राजेश्वरी नागरा, बंगलोर” को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 तथा 1989-90 के लिये अधिसूचित करती है।

[सं. 8697/फा.सं. 197/193/87-आ. कर(नि.-1)]

(INCOME-TAX)

S.O. 2211.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Sri Kailash Ashram Mahasamsthana, Sri Rajeswari Nagara, Bangalore” for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8697/F. No. 197/193/87-IT(AI)]

(आय-कर)

का.आ. 2212.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “हिन्दू सत्कार समिति, कलकत्ता” को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिये अधिसूचित करती है।

[8698/फा.सं. 197/91/90-आ. कर(नि.-1)]

(INCOME-TAX)

S.O. 2212.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Hindu Saktar Samity, Calcutta” for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8698/F. No. 197/91/90-IT(AI)]

(आय-कर)

का.आ. 2213.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा

“अरुलमिगु निथियाकल्याणस्वामी देवस्थानम्, तिरुविदथार्थ, चेंगलपुट जिला” को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 तथा 1989-90 के लिये अधिसूचित करती है।

[सं. 8699/फा.सं. 197/89-90-आ. कर (नि.-1)]

(INCOME-TAX)

S.O. 2213.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1951 (43 of 1951), the Central Government hereby notifies “Arulmigu Nthiyakalyanaswamy Devasthanam, Thiruvaidanthai, Chenguleput District” for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8699/F. No. 197/89/90-II(A.1)]

(आय-कर)

का.आ. 2214.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा “श्री राघवेन्द्र स्वामी मठ, मंत्रालयम, कूर्नूल जिला आन्ध्र प्रदेश को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 तथा 1989-90 के लिये अधिसूचित करती है।

[सं. 8700/फा.सं. 197/60/89-आ. कर (नि.-1)]

आनन्द किशोर, विशेष कार्य अधिकारी

(INCOME-TAX)

S.O. 2214.—In exercise of the powers conferred by sub-clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Sri Raghavendra Swamy Mutt, Mantralayam, Kurnool District, Andhra Pradesh” for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8700/F. No. 197/60/89-IT(A.1)]

ANAND KISHORE, Officer of Spl. Duty

आदेश

नई दिल्ली, 25 जुलाई, 1990

स्टाम्प

का.आ. 2215.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा महाराष्ट्र नगर तथा औद्योगिक विकास निगम लिमिटेड, बंबई को उक्त निगम द्वारा जारी किये जाने वाले पन्द्रह करोड़ रुपये के अंकित मूल्य के ऋणपत्रों के रूप में 25-25 लाख रुपये के अंकित मूल्य के क्रमांक 1 से 60 तक वाले बंध-पत्र प्रमाणपत्रों पर स्टाम्प शुल्क के कारण प्रभार्य केवल ग्यारह लाख पच्चीस हजार रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है।

[सं. 19/90-स्टाम्प, फा.सं. 33/52/90-वित्त्रीकर]

ORDER

New Delhi, the 25th July, 1990

STAMPS

S.O. 2215.—In exercise of the powers conferred by clause (b) of Sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the City and Industrial Development Corporation of Maharashtra Limited, Bombay to pay consolidated stamp duty of rupee eleven lakhs and twenty five thousand only, chargeable on account of the stamp duty on bonds certificates bearing serial Nos. 1 to 60 of the face value of Rs. 25 lakh each in form of debentures of the face value of rupees fifteen crores to be issued by the said corporation.

[No. 19/90-Stamp. F. No. 33/52/90-ST]

आदेश

स्टाम्प

का.आ. 2216.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा 10 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा फिनोलेक्स कैंब्रिज लि., पुणे को एक लाख बारह हजार और पांच सौ रु. मात्र के उस समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है जो कि उक्त कंपनी द्वारा जारी किए जाने वाले एक करोड़ पचास लाख रु० मात्र के अंकित मूल्य के ऋणपत्रों के स्वरूप के 100-100 रु. (बी श्रृंखला) के अंकित मूल्य के बंधपत्रों क्रम सं. 1 से 1,50,000 तक के ऋण प्रमाण-पत्रों पर स्टाम्प शुल्क के कारण प्रभार्य है।

[सं. 18/90-स्टाम्प-फा. सं. 33/53/90-वि. क.]

ORDER

STAMPS

S.O. 2216.—In exercise of the powers conferred by clause (b) of Sub-section (10) of section 9 of the Indian Stamp Act, 1899, (2 of 1899), the Central Government hereby permits the Finolex Cables Limited, Pune to pay consolidated stamp duty of rupees one lakh, twelve thousand and five hundred only, chargeable on account of the stamp duty on Debentures certificates bearing serial Nos. 1 to 1,50,000 of the face value of Rs. 100 each (B Series) bonds in the form of debentures of the face value of rupees one crore and fifty lakhs only to be issued by the said company.

[No. 18/90-Stamp-F. No. 33/53/90-ST]

आदेश

नई दिल्ली, 9 अगस्त, 1990

स्टाम्प

का.आ. 2217.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा गुजरात औद्योगिक विकास निगम, अहमदाबाद को एक लाख नईम हजार मात्र की मात्र के उस समेकित शुल्क का भुगतान करने की अनुमति प्रदान करती है जो उक्त निगम द्वारा जारी किए जाने वाले एक करोड़

और पैंसठ लाख रु. मात्र के अंकित मूल्य के ऋणपत्रों के रूप में "11.5 प्रतिशत जी.आई.डी. बंधपत्र 2008 श्रृंखला" बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 21/90-स्टाम्प फा.सं. 33/54/90-बि.क.]

ORDER

New Delhi, the 9th August, 1990

STAMPS

S.O. 2217.—In exercise of the powers conferred by clause (b) of Sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Gujarat Industrial Development Corporation, Ahmedabad to pay consolidated stamp duty of rupees one lakh twenty three thousand seven hundred fifty only, chargeable on account of the stamp duty on "11.5% G.I.D. Bonds 2008 series" bonds in the form of debentures of the face value of rupees one crore and sixty five lakhs only to be issued by the said Corporation.

[No. 21/90-Stamps, F. No. 33/54/90-ST]

आदेश

स्टाम्प

का.आ. 2218—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्वारा महाराष्ट्र राज्य वित्तीय निगम को पांच लाख, चालीस हजार रु. मात्र के उस समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है जो कि उक्त निगम द्वारा जारी कि जाने वाले सात करोड़ बीस लाख रु. मात्र के अंकित मूल्य के ऋ. पत्रों के स्वरूप के 11.5 महाराष्ट्र राज्य वित्तीय निगम बंधपत्रों के संबंध में क्रम सं. 1 से 91 तक के बांड प्रमाण पत्रों पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 22/90-स्टाम्प फा.सं. 33/59/90-बि.क.]

बी.के.स्वामीनाथन, अव्वर सचिव

ORDER

STAMPS

S.O. 2218.—In exercise of the powers conferred by clause (b) of Sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Maharashtra State Financial Corporation to pay consolidated stamp duty of rupees five lakhs, forty thousand only, chargeable on account of the stamp duty on bond certificate bearing serial numbers 1 to 91 in respect of 11.5% Maharashtra State Financial Corporation bonds in the form of debentures of the face value of rupees seven crores and twenty lakhs only to be issued by the said Corporation.

[No. 22/90-Stamps-F. No. 33/59/90-ST]

V K. SWAMINATHAN, Under Secy.

(आर्थिक कार्य विभाग)

(वैश्व प्रभाग)

नई दिल्ली, 3 अगस्त, 1990

का.आ. 2219—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केंद्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध 8 जून, 1991 तक की और अवधि के लिए यूनाइटेड बैंक ऑफ इंडिया पर उस सीमा तक लागू नहीं होंगे जहां तक इनका संबंध गिरवी-दार (प्लेजी) के रूप में मैसर्स लुज इलेक्ट्रिकल्स प्राइवेट लिमिटेड की शेयर पूंजी में उसकी 30 प्रतिशत से अधिक की शेयर धारिता से है।

[संख्या 15/9/87-बी.ओ.-III]

प्राण नाथ, अव्वर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 3rd August, 1990

S.O. 2219.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to United Bank of India for a further period till 8th June 1991 insofar as they relate to its holding of shares in M/s. Luz Electricals Private Limited, in excess of 30% of the paid up Capital of the Company as pledgee.

[No. 15/9/87-B.O.III]

PRAN NATH, Under Secy.

(बीमा प्रभाग)

नई दिल्ली, 8 अगस्त, 1990

का.आ. 2220—जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, आर्थिक कार्य विभाग, वित्त मंत्रालय में विशेष सचिव (बीमा) श्री एन.आर. रंगानाथन को 22 जून, 1990 में, विशेष सचिव (बीमा) का पदभार संभालने तक, भारतीय जीवन बीमा निगम के एक सदस्य के रूप में नियुक्त करती है।

[फा.सं. 109 (4)/बीमा-4/87]

जी.सी. बासुमतारी, उप सचिव

(Insurance Division)

New Delhi, the 8th August, 1990

S.O. 2220.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Shri N. R. Ranganathan, Special Secretary (Insurance), Department of Economic Affairs, Ministry of Finance, as member of the Life Insurance Corporation of India with effect from 22nd June, 1990 till he holds the office of Special Secretary (Insurance).

[F. No. 109(4)/Insurance IV/87]

G. C. BASUMATARI, Dy. Secy.

मुख्य आयकर आयुक्त, राजस्थान

कार्यालय

जयपुर, 23 मई, 1990

1990 की अधिसूचना सं 2

का.आ. 2221-उप-आयुक्त विषय में वर्तमान समस्त आदेशों/अधिसूचनाओं का अधिलेखन करते हुये तथा आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उपधारा (1) और (2) के अंतर्गत जारी अधिसूचना एम.ओ.नं. 708 (इ) (नं. 8449) (फा.नं. 187/4/89-आ.टी.ए. 1) दिनांक 8 मितम्बर, 1989 के अनुसार केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली द्वारा प्रदत्त शक्तियों का तथा उन्हें इस संबंध में समर्थ बनाने वाली अन्य समस्त शक्तियों का प्रयोग करते हुये मुख्य आयकर आयुक्त, राजस्थान, जयपुर एतद्द्वारा निदेश देते हैं कि निम्नलिखित सारणी के कालम-1 में वर्णित आयकर उप-आयुक्त ऐसे राज्यक्षेत्र के क्षेत्र/क्षेत्रों और/या ऐसे व्यक्तियों और/या व्यक्तियों के वर्गों और/या ऐसी आयों के या आय वर्गों के और/या मुकदमों या मुकदमों के वर्गों जो निम्नलिखित सारणी के कालम-2 में तत्समान प्रविष्टि में विनिर्दिष्ट सर्किल/वार्ड के निर्धारण अधिकारियों के क्षेत्राधिकार में आते हैं, के संबंध में आयकर उप-आयुक्त की शक्तियों का प्रयोग करेंगे और कार्य निष्पादन करेंगे :-

सारणी

कालम-1

कालम-2

- | | |
|--|---|
| 4. आयकर उप-आयुक्त
अजमेर रेंज, अजमेर | 1. अन्वेषण वृत्त, अजमेर ।
2. अजमेर के समस्त वार्ड ।
3. ब्यावर के समस्त वार्ड ।
4. वृत्त कोटा
5. कोटा के समस्त वार्ड ।
6. कर वसूली अधिकारी, अजमेर । |
| 5. आयकर उप-आयुक्त | नीचे निर्दिष्ट समस्त सर्किल/वार्ड :
1. वृत्त, अलवर ।
2. वार्ड-1, अलवर ।
3. वार्ड-2, अलवर ।
4. वार्ड, भरतपुर ।
5. वार्ड, सवाईमाधोपुर ।
6. वार्ड, टोंक ।
7. कर वसूली अधिकारी, अलवर । |

यह अधिसूचना 1 जून, 1990 से लागू होगी ।

[क्रमांक म.आ.आ/ई-3/क्षेत्र 10 (आ.उ.आ./90-91/723)]

वार्ड-पी० मन्थरवाल, मुख्य आयकर आयुक्त
(राजस्थान)

OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX, RAJASTHAN

Jaipur, the 23rd May, 1990

NOTIFICATION NO. 2 OF 1990

S. O. 2221.—In supersession of all existing orders/Notifications on the subject and in exercise of the powers conferred by the Central Board of Direct Taxes, New Delhi, vide its Notification S.O. No. 708 (E) (No. 8449) (F.No. 187/4/89, ITA-I) dated 8th September, 1989, issued under sub-Section (1) and (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961) and all other powers enabling him in this behalf, the Chief Commissioner of Income-tax, Rajasthan, Jaipur, hereby directs that the Deputy Commissioners of Income-tax mentioned at Column-I of the Table below shall exercise the powers and perform the functions of a Deputy Commissioner of Income-tax in respect of such territorial area/areas and/or of such persons and/or classes of persons and/or of such incomes or classes of income and/or cases or classes of cases as fall within the jurisdiction of the assessing officers of Circles/Wards specified in corresponding entry in Column-II of the Table below:

TABLE

Column-I	Column-II
1 Deputy Commissioner of Income-tax, Range-I, Jaipur	All Circles/Wards as indicated below: 1 Central Circle-I, Jaipur 2 Central Circle-II, Jaipur 3 Investigation Circle-I(1), Jaipur

कालम-1	कालम-2
नीचे निर्दिष्ट समस्त सर्किल वार्ड	
1. आयकर उप-आयुक्त रेंज-1, जयपुर ।	1. केन्द्रीय वृत्त-1, जयपुर । 2. केन्द्रीय वृत्त-2, जयपुर । 3. अन्वेषण वृत्त-1 (1), जयपुर 4. अन्वेषण वृत्त-1 (2), जयपुर 5. अन्वेषण वृत्त-1 (3), जयपुर 6. कम्पनी वृत्त, जयपुर । 7. वार्ड 1 (1), जयपुर । 8. कर वसूली अधिकारी-1, जयपुर
2. आयकर उप-आयुक्त, रेंज-2, जयपुर ।	1. अन्वेषण वृत्त 2(1), जयपुर । 2. वृत्त-2(1), जयपुर । 3. वार्ड-2 (1) से वार्ड-2 (7), जयपुर । 4. कर वसूली अधिकारी-2, जयपुर
3. आयकर उप-आयुक्त, रेंज, 3 जयपुर ।	1. अन्वेषण वृत्त-3(1), जयपुर । 2. वेतन वार्ड-1, जयपुर । 3. वेतन वार्ड-2, जयपुर । 4. वार्ड-2 (8) से वार्ड-2 (11), जयपुर ।

Column-I	Column-II
	All Circles/Wards as indicated below:
	4 Investigation Circle-1(2) Jaipur
	5 Investigation Circle-1(3) Jaipur
	6 Company Circle, Jaipur
	7 Ward 1 (1), Jaipur
	8 Tax Recovery Officer-1 Jaipur
2 Deputy Commissioner of Income-tax, Range-2, Jaipur	1 Investigation Circle-1(1), Jaipur
	2 Circle-2(1), Jaipur
	3 Wards-2(1) to Wards-2(7), Jaipur
	4 Tax Recovery Officer-2, Jaipur
3 Deputy Commissioner of Income-tax, Range-3, Jaipur	1 Investigation Circle-3(1), Jaipur
	2 Salary Ward-1, Jaipur
	3 Salary Ward-2, Jaipur
	4 Wards-2(8) to Wards-2(11); Jaipur
	5 Ward, Sikar
	6 Ward, Jhunjhunu
	7 Tax Recovery Officer-3 Jaipur
4 Deputy Commissioner of Income-tax, Ajmer Range, Ajmer	1 Investigation Circle, Ajmer
	2 All Wards at Ajmer
	3 All Wards at Beawar
	4 Circle, Kota
	5 All Wards at Kota
	6 Tax Recovery Officer, Ajmer
5 Deputy Commissioner of Income tax, Alwar Range, Alwar	1 Circle, Alwar
	2 Ward-1, Alwar
	3 Ward-2, Alwar
	3 Ward, Bharatpur
	5 Ward, Sawaimadhopur
	6 Ward, Tonk
	7 Tax Recovery Officer, Alwar

This Notification shall take effect from 1st June, 1990

[No. CC/E—3/Jur (DC)/90-91/723

Y. P. SABHARWAL, Chief Commissioner of
Income-tax (Rajasthan)

वाणिज्य मंत्रालय

नई दिल्ली, 25 अगस्त, 1990

का. आ. 2222.—केन्द्रीय सरकार, निर्यात (व्यापार) नियंत्रण और निरीक्षण अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स हैबेलस पेस्ट कंट्रोल सर्विस, 41-8-23, कर्मशियल रोड, पो. बॉ. नं. 81, काकीनाडा-533007. को (i) तेल रहित चावल की भूसी और (ii) हड्डियों का चूरा, सींग तथा खुरों का निर्यात के पूर्व भूसीकरण के लिए इन अधिवृत्तों

के प्रकाशन की तारीख से तीन वर्षों की अवधि के लिए इन वृत्तों के अधीन अभिकरण के रूप में मान्यता देती है कि उक्त अभिकरण तेल रहित चावल की भूसी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उप नियम (4) तथा हड्डियों का चूरा, सींग तथा खुरों के निर्यात (निरीक्षण) नियम, 1977 के नियम 5 के अन्तर्गत भूसीकरण का प्रमाण-पत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गई पद्धति की जाँच करने के संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[फाइल सं. 5(4)/89—ईआई एंड ई पी]

ए. के. चौधुरी, निदेशक

MINISTRY OF COMMERCE

New Delhi, the 25th August, 1990

S.O. 2222.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from the date of publication of this notification M/s. Hebel's Pest Control Service, 41-8-23, Commercial Road, P.B. No. 81, Kakinada-533007 as an agency for the fumigation of (i) De-oiled Rice Bran and (ii) Crushed Bones, Horns and Hooves prior to their export subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by the said agency in granting the certificate of fumigation under sub-rule (4) of rule 4 of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.

[F. No. 5(4)/89-EI&EP]

A. K. CHADHURI, Director

वस्त्र मंत्रालय

नई दिल्ली, 31 मई, 1990

का. आ. 2223.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में वस्त्र मंत्रालय के अंतर्गत आने वाले निम्नलिखित कार्यालयों को जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है। अधिसूचित करती है:—

1. स्वदेशी काटन मिल्स, कानपुर (उ.प्र.)
2. स्वदेशी काटन मिल्स, नैनी (उ.प्र.)
3. स्वदेशी काटन मिल्स, मऊनाथ भंजन (उ.प्र.)
4. रायबरेली टेक्सटाइल मिल्स, रायबरेली (उ.प्र.)

[सं. ई-11011/18/89-हिंदी]

MINISTRY OF TEXTILES

New Delhi, the 31st May, 1990

S.O. 2223.—In pursuance of Sub-Rule, 10(4) of Rule 10 of the Official Language (Use for Official Purposes of the Union), Rule, 1976, the Central Government hereby notifies the following offices under the Ministry of Textiles whereof more than 80% staff have acquired working knowledge of Hindi:—

1. Swedeshi Cotton Mills, Kanpur (U.P.).

2. Swedeshi Cotton Mills, Naine (U.P.).
3. Swedeshi Cotton Mills, Maunath Bhanjan (U.P.).
4. Raibareli Textiles Mills, Raibareli (U.P.).

[No. E-11011/18/89-Hindi]

नई दिल्ली, 9 अगस्त, 1990

का. आ. 2224.—केन्द्रीय सरकार, राजभाषा (संघ के आसकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में वस्त्र मंत्रालय के अंतर्गत आने वाले निम्नलिखित कार्यालय को, जिनके 80

प्रतिशत में अधिक कर्मचारीबन्ध ने हिंदी का कार्यमाध्यक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—
भारतीय हथकरघा प्रौद्योगिकी संस्थान,
चौकाघाट वाराणसी।

[सं. ई-11011(18)/89-हिंदी]

कीर्ति, कुमार, उप सचिव

New Delhi, the 9th August, 1990

S.O. 2224.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following office under the Ministry of Textiles whereof more than 80% staff have acquired working knowledge of Hindi.

[No. E-11011(18)/89-Hindi]
KIRTHY KUMAR, Dy. Secy.

स्वास्थ्य एवं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 16 जुलाई, 1990

का. आ. 2225.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करती है कि जिस/जिन लाइसेंस(सों) का/के विवरण नीचे दिया गया है/हैं व/वे उसके/उनके मामले की गई तिथि से रद्द कर दिया गया है/दिए गए हैं।

अनुसूची

क्र.सं.	लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु, प्रक्रम तथा संबंध भारतीय मानक	रद्द किए जाने की तारीख
(1)	(2)	(3)	(4)	(5)
1. 1208938	मै. विश्वेश्वरैया प्रायरेन इंडस्ट्रीज लि., भद्रावती-577301 (कर्नाटक)	पोर्टलैण्ड धातुमल सीमेंट IS: 455-1976	1988-09-01	
2. 1304126	मै. मंदीप सीमेंट्स प्रा. लि., पो. बा. नं. 26, उद्योगनगर, महोबा-364290	साधारण पोर्टलैण्ड सीमेंट IS: 269-1976	1987-12-24	
3. 1351640	मै. एसोसिएटेड सीमेंट कम्पनीज लि. केमूर सीमेंट वर्क्स, पो. आ. केमूर-483880	सफेद पोर्टलैण्ड सीमेंट IS: 8042-1978	1989-11-01	
4. 1543649	मै. अमरावती सीमेंट्स लि., पेडाबीडु गांव, हुजूरनगर, तालुक, नालगोंडा जिला, आ. प्र.	साधारण पोर्टलैण्ड सीमेंट IS: 269-1976	1990-01-01	

[सं. सीएसबी/55: 1208938 आदि]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 16th July 1990

S.O. 2225.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation, 1988 the Bureau of Indian Standards hereby notifies that the licence(s) particulars of which is/are given below has/have been cancelled with effect from the date indicated:

2155 GI/90—2.

SCHEDULE

Licence No. (CM/L)	Name and Address of the Licence	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
1	2	3	4
1208938	M/s. Visvasvaraya Iron & Steel Ltd., Bhadravati-577301 (Karnataka)	Portland cement (IS : 455—1976)	1988-09-01
1304126	M/s. Sandip Cements Pvt. Ltd., P.B. No. 26, Udyog Nagar, Mahuva-364290	Ordinary portland cement (269—1976)	1987-12-14
1351640	M/s. Associated Cement Companies Ltd., Kymore Cement Works, P.O. Kymore-483880	White portland cement (IS : 8042—1978)	1989-11-01
1543649	M/s. Amarewari Cements Ltd., Pachavadu Village, Huzurnagar Taluq Nalgonda District-A.P.	Ordinary portland cement (IS : 269—1976)	1990-01-01

[No. CMD/55:1208938 etc.]

नई दिल्ली, 30 जुलाई, 1990

का. आ. 2226.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन लाइसेंस (सों) का/के विवरण नीचे दिया गया है (8) वह उसके सामने दी गई तिथि से रद्द कर दिया गया है/दिए गए हैं।

अनुसूची

क्र.स. लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रक्रिया तथा सम्बद्ध भारतीय मानक	रद्द किए जाने की तारीख
(1)	(2)	(3)	(4)
1. सीएम/एल—1933056	मै० स्वदेशी एग्रो मशीन्स प्रा. लि., 79-ए, उद्योग नगर, कानपुर-208022	इस्पात के घरेलू ट्रक की विशिष्टि IS : 7257—1973	1989-02-16

[सीएमडी/55:1933056]

N w Delhi, the 30th July, 1990

S.O.2226.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation, 1988 the Bureau of Indian Standards hereby certify that the licence(s) particulars of which is given below has been Cancelled with effect from the date indicated:

SCHEDULE

Licence No. (CM/L)	Name and Address of the licences	Articles/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
1	2	3	4
1933056	M/s. Swadeshi Agro Machines Pvt. Ltd., 79-A, Udyog Nagar, Kanpur-208022	IS : 7257—1973 Specification for truck, steel domestic	1989-02-16

[No. CMD/55:1933056]

का. प्रा. 2227.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिम/जिन लाइसेंस (सों) का/के विवरण नीचे दिया गया है (8) वह उनके सामने दी गई तिथि से रद्द कर दिया गया है/दिए गए हैं।

अनुसूची

क्र.सं.	लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रक्रम तथा संबद्ध भारतीय मानक	रद्द किए जाने की तारीख
(1)	(2)	(3)	(4)	(5)
1.	सीएम एल-2008632	मै. राजन मैच इंडस्ट्रीज, डी 4/70 मीनाम्पेट, अन्नापानकुलम शिवकाशी कार्या: 110 कामराज रोड, शिवकाशी-626123	डिब्बी बंद निरापद दियासलाइयों की विशिष्टि IS : 2653—1980	1989-08-01

[सीए. एमडी/55:2008632]

S.O.2127.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation, 1988 the Bureau of Indian Standards hereby notifies that the licence (s) particulars of which is given below has been Cancelled with effect from the date indicated:

SCHEDULE




Licence No. (CM/L-)	Name and Address of the licencee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
1	2	3	4
2008632	M/s. Sri Rajan Match Industries D 4/70 Meenampet Annappanikulam (Sivakasi) having the office at 110 Kamaraj Road, Sivakasi-626123	IS : 2653—1980 Specification for safety matches in boxes (first revision)	1989-08-01










[No. CMD/55:2008632]

नई दिल्ली, 1 अगस्त, 1990

का.प्रा. 2228.—भारतीय मानक ब्यूरो नियम, 1987 के उपनियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए भारतीय मानकों संबंधी मानक मूहर निर्धारित कर दिए गए हैं।

सारणी

क्र.सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.		घिरनी ब्लाक और अन्य उत्पाद उपकरणों के लिए श्रृंखला शोधित भार वहन जंजीर	IS : 2429 (भाग 2)—1970	1988-12-16
2.		वाष्पन वाले वायु कूलर (ड्रैजेंट कूलर)	IS : 3315—1974	1988-05-16
3.		स्वआसंजी, जिक आक्साइड	IS : 4717—1988	1987-07-01


(1)	(2)	(3)	(4)	(5)
4.		धिरनी ब्लाक तथा अन्य उत्पादन उपकरणों के लिए छोटी कड़ियों वाली जंजीर ग्रेडटी (18) अंगशोधित	IS: 6216—1982	1988-12-16
5.		इस्पात के घरेलू ट्रंक	IS: 7257—1973	1989-02-16
6.		कार्बन इस्पात की ता छड़	IS: 7904—1975	1990-04-01
7.		हैवी ड्यूटी मोटर वाहनों के लिए प्रचालित ब्रेक का द्रव	IS: 8654—1984	1988-07-16
8.		निलंबन के लिए तार रस्तियां और लड़	IS: 9282—1979	1989-05-01
9.		रंगीन टेलीविजन प्रसारण प्रेषण के लिए ग्राहीयंत्र (रिसीवर)	IS: 10662—1973	1990-02-01
10.		मोटर वाहनों के लिए हवा धरे टायर भाग 2 ट्रक, बस और साइड ट्रक	IS: 10914 (भाग 2)—1983	1989-09-06
11.		धर्षों के लिए पालिस्टर मिश्रित सूटिंग	IS: 11248—1985	1987-06-16
12.		डैजर्ट कूलर के लिए पम्प सेट	IS: 11951—1987	1990-02-16












[सं. सांएमडी/13: 9]

New Delhi, the 1st August, 1990

S.O.2228.—In pursuance of Sub-rule (1) of the rule 9 of Bureau of the Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby notifies the Standard Mark(s), for the Indian Standards given in the schedules.

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and year of the Indian Standard	Date of Effect
1	2	3	4	5
1.		Calibrated load chain for pulley blocks and other lifting appliances	IS : 2429 (Part II)—1970	1988-12-16

1	2	3	4	5
2.		Evaporative air coolers (Desert Coolers)	IS : 3315—1974	1988-05-16
3.		Zinc oxide self-adhesive	IS : 4717—1980	1987-07-01
4.		Short link chain, grade T(8) calibrated for pulley blocks and other lifting appliances.	IS : 6216—1982	1988-12-16
5.		Trunks, steel, domestic	IS : 7257—1973	1989-02-16
6.		Carbon steel wire rods	IS : 7904—1975	1990-04-01
7.		Heavy duty automotive hydraulic brake fluid	IS : 8654—1984	1988-07-16
8.		Wire ropes and strands for suspension	IS : 9282—1979	1989-05-01
9.		Receivers for colour television broad-cast transmission	IS : 10662—1973	1970-02-01
10.		Pneumatic tyres for automotive vehicles, Part Trucks, Bus and light Truck Tyres—	IS : 10914 (Part 2)—1985	1989-09-01
11.		Polyester blend suitings for uniforms.	IS : 11248—1985	1987-06-16
12.		Pumpset for desert coolers	IS : 11951—1987	1990-02-16

[No. CMD/13 : 9]

का. आ. 2329.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन फीस अधिसूचित करता है।

अनुसूची

क्र.सं.	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहरांकन फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	घिरती ब्लाक और अन्य उत्पादन उपकरणों के लिए अंश शोधित भार वाहन जंजीर	IS : 2429 (भाग 2)—1970	एक टन	रु. 20.00	1988-12-16
2.	वाष्पन वाले वायु कूलर (डिजर्ट कूलर)	IS : 3315-1974	एक कूलर	रु. 4.00	1988-05-16

(1)	(2)	(3)	(4)	(5)	(6)
3.	स्वआमंजी, जिक आवासार्थ	IS : 4717—1988	100 वर्ग मीटर	(i) रु. 2.50 प्रति इकाई पहली 2000 इकाइयों के लिए (ii) रु. 1.50 प्रति इकाई 2001 से 4000 इकाइयों के लिए (iii) रु. 1.00 प्रति इकाई 4001 से और अधिक के लिए	1987-07-01 1988-12-16
4.	धिरनी ब्याक तथा ग्रस्य उत्पादन उपकरणों के लिए छोटी कड़ियों वाली जंजीर ग्रेड टी (18) धन शोधित	IS : 6216—1982	एक टन	रु. 20.00	
5.	हस्पत के धरलु टुक	IS : 7257—1973	एक नग	20 पैसे	1983-11-18
6.	कार्बन हस्पत की तार छड़	IS : 7904—1975	एक नग	रु. 1.00	1990-04-01
7.	हैवी ड्यूटी मोटर वाहनों के लिए अवचालित ब्रेक का द्रव	IS : 8654—1984	एक लिटर	5 पैसे	1983-07-16
8.	निलंबन के लिए तार रस्सियों और लड़	IS : 9282—1979	एक टन	(i) रु. 50.00 प्रति इकाई 100 इकाइयों के लिए (ii) रु. 25.00 प्रति इकाई 101 और अधिक के लिए	1989-05-01
9.	रंगीन टेलीविजन प्रसारण प्रेषण के लिए राष्ट्रीय यंत्र (रिमोयरी)	IS : 10662—1973	एक टेलीविजन सैट	(i) रु. 5.00 प्रति इकाई पहली 10000 इकाइयों के लिए (ii) रु. 4.00 प्रति इकाई 10001 से 20000 इकाइयों के लिए (iii) रु. 3.00 प्रति इकाई 20001 से 30000 इकाइयों के लिए (iv) रु. 2.00 प्रति इकाई 30001 और अधिक इकाइयों के लिए	1990-02-01
10.	मोटर वाहनों के लिए हवा से भरे टायर भाग 2 टुक, बस और लाइट टुक	IS : 10914 (भाग 2)— 1985	एक टायर	(i) रु. 3.00 प्रति इकाई पहली 250000 इकाइयों के लिए (ii) रु. 2.00 प्रति इकाई अगली 25001 से 50000 इकाइयों के लिए (iii) रु. 1.00 प्रति इकाई 50001 और अधिक के लिए	1989-09-01
11.	बर्दी के लिए पॉलिग्रेटर मिश्रित सृटिंग	IS : 11248—1985	10 वर्ग मी.	(i) रु. 6.50 प्रति इकाई पहली 1000 इकाइयों के लिए (ii) रु. 5.00 प्रति इकाई अगली 1001 से 3000 इकाइयों के लिए (iii) रु. 2.50 प्रति इकाई 3001 से और अधिक के लिए	1987-06-16
12.	ड्रेजट कृमर के लिए पंप सेट	IS : 1195—1987	एक पंप सेट	30 पैसे	1990-02-16

[नं. सीएमडी/13:10]

एन. सुबहस्यर, और सहायक

S.O. 2229.—In pursuance of sub-regulation (5) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby, notifies the marking fee(s) for the products given in the schedule:

SCHEDULE

Sl. No.	Product/Class of Product	No. and years of Indian Standard	Unit	Marking fee per unit	Date of Effect
				5	6
1.	Calibrated load chain for pulley blocks and other lifting appliances.	IS : 2427 (Part 2)—1970	One Tonne	Rs. 20.00	1988-12-16
2.	Evaporative air coolers (Desert Coolers)	IS : 3315—1974	One cooler	Rs. 4.00	1988-05-16
3.	Zinc oxide self-adhesive	IS : 4717—1980	100 Sq metre	(i) Rs. 2.50 per unit for the first 2000 units; (ii) Rs. 1.50 per unit for the 2001st to 4000 units and (iii) Re. 1.00 per unit for the 4001st unit and above.	1987-07-01
4.	Short link chain, grade T(B) calibrated for pulley blocks and other lifting appliances.	IS : 6216—1982	One Tonne	Rs. 20.00	1988 12-16
5.	Trunks, steel, domestic	IS : 7257—1973	One Piece	20 Paise	1989-02-16
6.	Carbon steel wire rods.	IS : 7904—1975	One Tonne	Re. 1.00	1990-04-10
7.	Heavy duty automotive hydraulic brake fluid.	IS : 8654—1984	One Litre	5 Paise Note : Rate of marking fee has since been revised as under with effect from 1989-07-01 : i) Rs. 50.00 per unit for the first 1000 units and ii) Rs. 30.00 per unit for the 1001st unit and above (Unit - 1 K.L.)	1988-07-16
8.	Wire ropes and strands for susension	IS : 9282—1979	One Tonne	i) Rs. 50.00 per unit for the first 100 units and ii) Rs. 25.00 per unit for the 101st unit and above.	1989-05-01
9.	Receivers for colour television broad-cast transmission	IS : 10662—1973	One Television Set	i) Rs. 5.00 per unit for the first 10000 units; ii) Rs. 4.00 per unit for the 10001st to 20000 units iii) Rs. 3.00 per unit for the 20001st to 30000 units and above (iv) Rs. 2.00 per unit for the 30001st unit and above	1990-02-01

(2)	(3)	(4)	(5)	(6)
10. Pneumatic tyres for automotive vehicles Part 2 Trucks, Bus and light Truck Tyres	IS:10914 (Part 2) — 1985	One Tyre	(i) Rs. 3,000 per unit for the first 25000 units; (ii) Rs. 2.00 per unit for the 25001st to 50000 units and (iii) Rs. 1.00 per unit for the 50001st unit and above.	1989-09-01
11. Polyester blend suitings for uniforms.	IS: 11248-1985	100 Sqm	(i) Rs. 6.50 per unit for the first 1000 units; (ii) Rs. 5.00 per unit for the 1001st to 3000 units and (iii) Rs. 2.50 per unit for the 3001st unit and above. Note: Rate of Marking Fee has since been revised as under with effect from 1989-09-01; (i) Rs. 10.00 per unit for the first 1000 units and (ii) Rs. 5.00 per unit for them 1001st unit and above (Unit-1000 Sq metres)	1987-06-16
12. Pumpset for desert coolers.	IS:11751—1987	One Pumpst	30 Paise	1990-02-16

[No. CMD/13:10]

S. SUBRAHMANYAN, Addl. Dir. General.

मानव संसाधन विकास मंत्रालय
(शिक्षा विभाग)

नई दिल्ली, 6 अगस्त, 1990

का. जा. 2230.—केन्द्रीय सरकार राजभाषा (मंत्र के सरकारी प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में मानव संसाधन काम मंत्रालय, शिक्षा विभाग के अंतर्गत निम्नलिखित विद्यालयों/कार्यालयों को जिनमें 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :-

- केन्द्रीय विद्यालय, कलाई कुंडा नं. 1 पश्चिम बंगाल, पो. गा. ए. एफ. कलाईकुंडा जिला—मिदनापुर
- केन्द्रीय विद्यालय, बेली रोड, पो. आ.- बी. कालेज, पटना-800014
- केन्द्रीय विद्यालय नं. 3 गोपीनाथ-बाजार, दिल्ली—छावनी-110010
- केन्द्रीय विद्यालय, एम आय आर सी, अहमदनगर (महाराष्ट्र)
- केन्द्रीय विद्यालय वायु सेना स्थल, साम्ब्र-बेलगाम (कर्नाटक)
- केन्द्रीय विद्यालय नं. 2, सर्वोपेक्षा, हाथीवडक्या, देहरादून
- केन्द्रीय विद्यालय कपूरथला, छावनी (पंजाब)
- केन्द्रीय विद्यालय जोधनेर, जयपुर (राजस्थान)
- केन्द्रीय विद्यालय नं. 3, अस्थान मरम्मत डिपो, एयरफोर्स स्टेशन, पुणे-411032
- केन्द्रीय विद्यालय संगठन आई.आई.टी. परिसर, पवई, बम्बई-400076

- केन्द्रीय विद्यालय गुलबर्गा (कर्नाटक)
- केन्द्रीय विद्यालय, नं. 3 बैरक रोड, आयरा कैंट (गु.पी.)

- केन्द्रीय विद्यालय आयुध निर्माणी, वरनगांव-45308 (महाराष्ट्र)

[मं. ई. 11011/7/90-रा. भा. ए.]]

रमेश कुमार आंगिरस, निदेशक (राजभाषा)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Deptt. of Education)

New Delhi, the 6th August, 1990

S.O. 2230. In pursuance of Sub-Rule (4) of the Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Govt. hereby notifies the following Vidyalayas/Offices of the Deptt. of Education in the Ministry of Human Resource Development, where more than 80% staff has acquired working knowledge of Hindi:

- Kendriya Vidyalaya, Kalai Kunda N. West Bengal P.O. A F Kalai Kunda, Distt. Midnapur
- Kendriya Vidyalaya, Beli Road, P.O. B B College, Patna-800014
- Kendriya Vidyalaya No. 3, Gopi Nath Bazar, Delhi Cantt-110010
- Kendriya Vidyalaya, MIRC Ahmednagar (Maharashtra)

- 5 Kendriya Vidyalaya,
Air Force Station,
Sambhar—Belgau
(Karnataka)
- 6 Kendriya Vidyalaya No 2,
Survey of India,
Hathibarkalan,
Dehradun
- 7 Kendriya Vidyalaya,
Kapurthala Cantt,
(Punjab)
- 8 Kendriya Vidyalaya,
Jobner,
Distt Jaipur (Raj)
- 9 Kendriya Vidyalaya No 3,
9, Base Repair Depot
Air Force Station,
Pune-411032
- 10 Kendriya Vidyalaya Sangathan,
IIT Complex,
Powai,
Bombay-400076
- 11 Kendriya Vidyalaya,
Gulbarga
(Karnataka)
- 12 Kendriya Vidyalaya No 3,
Barrak Road,
Agra Cantt (U P)
- 13 Kendriya Vidyalaya,
Ordnance Factory,
Varangaon-475308
(Maharashtra)

[NO E 11011/7/90—OLU]
R. K. ANGIRAS, Director (OL)

कल्याण मंत्रालय

(महिला एवं बाल विकास विभाग)

पूर्व विन्यास अधिनियम, 1890 के मामले में

(1890 का 6)

राष्ट्रीय बाल-कोष, नई दिल्ली के मामले में

नई दिल्ली, 13 अगस्त, 1990

का. आ. 2231—राष्ट्रीय बालकोष, नई दिल्ली के प्रबन्धक बोर्ड के अध्यक्ष की स्वीकृति तथा उनके आवेदन पर, केन्द्रीय सरकार, पूर्व विन्यास अधिनियम, 1890 (1890 का 6) की धारा 10 (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रीय बाल कोष के गठन में नियम 1 और 3 (क) और (ख) में एतद्वारा निम्नलिखित संशोधन करती है :—
नियम 1—राष्ट्रीय बाल कोष का उद्देश्य

राष्ट्रीय बाल कोष (एतद्वारा जिसे कोष कहा गया है) के उद्देश्य कोष की राशि का संचालन और उसका उपयोग करने के लिए निम्न प्रकार होंगे :—

(i) राष्ट्रीय राज्य और जिला स्तर के स्वयंसेवी संगठनों

को सहायता प्रदान देना ताकि बच्चों के कल्याण

2155 GI/90—3.

के कार्यक्रमों का कार्यान्वयन किया जा सके, जिनमें अनाथ बच्चों विशेषकर पूर्व-स्कूल आयु वर्ग के बच्चों का पुनर्वास तथा अंतराष्ट्रीय बाल वर्ष के लिए राष्ट्रीय कार्य योजना में प्रस्तावित अन्य कार्य शामिल हैं।

अनुसूचित जाति एवं जनजाति तथा अन्य पिछड़े वर्ग के बच्चों के कल्याण के लिए कार्यक्रमों को प्राथमिकता दी जायेगी ;

(ii) ऐसे बच्चों को पुरस्कार देना जिन्होंने शिक्षा संस्कृति अथवा खेल के क्षेत्र में उत्कृष्ट कार्य किया हो ;

(iii) अन्य सभी कार्य करना जो उपरोक्त उद्देश्यों नियम के लिए अनुकूल और प्रासंगिक हों।

3—कोष का प्रबन्ध और संचालन अर्थात् प्रबन्धक बोर्ड

(क) अध्यक्ष (पदेन अधिकारी) के नीचे कल्याण मंत्रालय में कबिनेट मंत्री

(ख) कार्यरत अध्यक्ष के नीचे

महिला एवं बाल विकास विभाग के प्रभारी राज्य/उपमंत्री

2. उपरोक्त संशोधन, राष्ट्रीय बालकोष, नई दिल्ली के प्रशासन के लिए योजना-अनुसार उस तारीख से लागू होंगे जिस तारीख को, भारत सरकार के तत्कालीन समाज कल्याण विभाग की दिनांक 2 मार्च, 1979 की समय समय पर यथा-संशोधित अधिसूचना संख्या 120 (ई) के साथ राजपत्रित अधिसूचना प्रकाशित होगी।

[सं. 2-4/89—सी. डी. III (टीआर)]

राजमल एस. बंगड़, भवर सचिव

MINISTRY OF WELFARE

(Department of Women & Child Development)

New Delhi, the 13th August, 1990

IN THE MATTER OF THE CHARITABLE ENDOW-
MENTS ACT, 1890

(6 of 1890)

IN THE MATTER OF THE NATIONAL CHILDREN'S
FUND, NEW DELHI

S.O. 2231.—On the application made by and with the concurrence of the Chairman, Board of Management of the National Children's Fund, New Delhi, as in exercise of the powers conferred by Section 10(2) of the Charitable Endowments Act 1890 (6 of 1890), the Central Government do hereby make the following amendments to Rule 1 and 3(a) and (b) in the Constitution of the National Children's Fund as under:—

Rule 1 Object of the National Children's Fund :

The objects of the National Children's Fund (hereinafter referred to as the Fund) shall be to administer and apply the funds of the Fund :—

(i) to pay grant-in-aid to voluntary organisations of National, State, and district level, to implement prog-

rammes for the welfare of Children, including re-habilitation of destitute children, particularly pre-school age children and other programmes envisaged in the National Plan of Action for International Year of the Child.

Programmes for welfare of children belonging to Scheduled Castes, the Scheduled Tribes and other backward classes will receive priority consideration,

- (ii) to give awards to children who excel in educational, cultural or sports field and activities, and
- (iii) to do all other things that are incidental and conducive to the above objects.

Rule 3 Management and Administration of the Fund

i.e. Board of Management

(a) under Chairman (Ex-officio)

Cabinet Minister in the Ministry of Welfare

(b) under Working Chairman

State/Deputy Minister incharge of the Department of Workmen and Child Development

2. The above amendments shall be applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi from the date of publication of the Gazette Notification to be published with the notification of the Government of India in the then Department of Social Welfare No. S. No. 120(E) dated 2nd March, 1979, as amended from time to time.

[No. 2-4/89-CD. III(TR)]

RAJMAL S. BANGER, Under Secy.

अल संसाधन मंत्रालय

(अल भू-उल डेस्क)

नई दिल्ली, 1 अगस्त, 1990

का. प्रा. 2232 :- राष्ट्रपति, केन्द्रीय सिविल सेवा (बर्गीकरण, नियंत्रण और अपील) नियम, 1963 के नियम 19 के साथ पठित नियम 9 का उप नियम (2), नियम 12 का उप नियम (2) का खंड (ख) और नियम 24 का उपनियम (1) द्वारा प्रदत्त शक्तियों को प्रयोग करने हुए, भारत सरकार के पूर्व कृषि मंत्रालय की अधिसूचना सं. का. वि. प्रा. 634—का. तारीख 27 फरवरी, 1957, जहाँ तक उसका संबंध अल संसाधन मंत्रालय के अधीनस्थ कार्यालय केन्द्रीय भूमिगत जल बोर्ड के समूह "ख" "ग" और "घ" पदों से है, उन बातों के सिवाए अधिकृत करते हुए जिन्हें अधिकृत से पहले किया गया है या करने का लोप किया गया है, यह निदेश देते हैं कि इससे उपाय अतिसूची के भाग 1, 2 और 3 के साथ 1 में विनिर्दिष्ट केन्द्रीय भूमिगत जल बोर्ड का साधारण केन्द्रीय सेवा समूह ("ख" "ग" और "घ" पदों की बाबत, स्लॉ 2 में विनिर्दिष्ट प्राधिकारी नियुक्ति प्राधिकारी वर्गों और स्लॉ 3 और 5 में विनिर्दिष्ट अधिकारी स्लॉ 4 में विनिर्दिष्ट शास्त्रियों के विषय में क्रमशः अनुशासन प्राधिकारी और अपील प्राधिकारी होंगे।

अनुसूची

भाग-1—साधारण केन्द्रीय सेवा समूह "ख"

पद का वर्णन	नियुक्ति प्राधिकारी	शास्त्रियों अधिरोपित करने के लिए सशक्त प्राधिकारी अपील प्राधिकारी या उसके द्वारा अधिरोपित की जाने वाली शास्त्रियाँ (नियम II में दी गई और संख्याओं के प्रतिनिर्देश में)	प्राधिकारी	शास्त्रियाँ
1	2	3	4	5
अल भूमिगत संबंधी खंड				
1. सहायक जलभू-विज्ञानी	मुख्य जलभू-विज्ञानी	मुख्य जलभू-विज्ञानी	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
2. सहायक भू-भौतिक विद	मुख्य जलभू-विज्ञानी	मुख्य जलभू-विज्ञानी	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
3. कनिष्ठ-जलभू-विज्ञानी	मुख्य जलभू-विज्ञानी	मुख्य जलभू-विज्ञानी	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
4. सहायक रसायनज्ञ	मुख्य जलभू-विज्ञानी	मुख्य जलभू-विज्ञानी	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
5. कृषिगत तकनीकी	मुख्य जलभू-विज्ञानी	मुख्य जलभू-विज्ञानी	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
6. सहायक भूमि रसायनज्ञ	मुख्य जलभू-विज्ञानी	मुख्य जलभू-विज्ञानी	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
7. कार्यालय संचालक	मुख्य जलभू-विज्ञानी	मुख्य जलभू-विज्ञानी	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड

1	2	3	4	5
8. सहायक कलाकार	मुख्य जलभू-विज्ञानी	मुख्य जलभू-विज्ञानी	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
9. फोर्ट मान चित्रकार	मुख्य जलभू-विज्ञानी	मुख्य जलभू-विज्ञानी	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
इंजीनियरी खंड				
11. वेधक (ड्रिलर)	मुख्य इंजीनियर	मुख्य इंजीनियर	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
12. भारसाधक वेधक	मुख्य इंजीनियर	मुख्य इंजीनियर	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
13. भार अधिकारी	मुख्य इंजीनियर	मुख्य इंजीनियर	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
प्रशासन खंड				
14. प्रशासन अधिकारी	मुख्य जनमू-विज्ञानी मुख्य इंजीनियर (जो भी विभागाध्यक्ष हो)	मुख्य जलभू-विज्ञानी मुख्य इंजीनियर जो भी विभागाध्यक्ष हो)	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड
15. सहायक प्रशासन अधिकारी	मुख्य जलभू-विज्ञानी मुख्य इंजीनियर (जो भी विभागाध्यक्ष हो)	मुख्य जलभू-विज्ञानी मुख्य इंजीनियर (जो भी विभागाध्यक्ष हो)	सभी सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड

भाग 2—साधारण केन्द्रीय सेवा, समूह "ग"

सेवा का वर्णन	नियुक्ति प्राधिकारी	शास्तियाँ अधिरोपित करने के लिए सक्षम प्राधिकारी	अपील प्राधिकारी	
		और उसके द्वारा अधिरोपित की जाने वाली शास्तियाँ (नियम 1 में दी गई सब संस्थाओं के प्रतिनिर्देश से)		
		प्राधिकारी	शास्तियाँ	
1	2	3	4	5
(1) इंजीनियरी खंड (तकनीकी)				
वह पद जिसके वेतनमान का अधिकतम अधीक्षण इंजीनियर 2300 रु. से अधिक नहीं है	अधीक्षण इंजीनियर	सभी	मुख्य इंजीनियर, केन्द्रीय भूमिगत जल बोर्ड	
वह पद जिसके वेतनमान का अधिकतम मुख्य इंजीनियर 2300 रु. से अधिक है	मुख्य इंजीनियर	सभी	मुख्य इंजीनियर, केन्द्रीय भूमिगत जल बोर्ड	
(2) जलभू-विज्ञानी खंड (तकनीकी वैज्ञानिक)				
वह पद जिसके वेतनमान का अधिकतम वैज्ञानिक-डी (डी) 2300 रु. से अधिक नहीं है	वैज्ञानिक-डी (डी)	सभी	मुख्य जलभू-विज्ञानी	
वह पद जिसके वेतनमान का अधिकतम मुख्य जलभू-विज्ञानी 2400 रु. से अधिक है	मुख्य जलभू-विज्ञानी	सभी	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड	
(3) अनुसंधानीय खंड				
सभी पद	निदेशक (प्रशासन)	निदेशक (प्रशासन)	सभी:	अध्यक्ष, केन्द्रीय भूमिगत जल बोर्ड

भाग 3—साधारण केन्द्रीय सेवा, समूह "ब"

सेवा का वर्णन	नियुक्ति प्राधिकारी	शास्तियां अधिरोपित करने के लिए क्षम प्राधिकारी और उसके द्वारा अधिरोपित की जाने वाली शास्तियां (नियम 11 में दी गई सब संख्याओं के प्रविष्टिदिश से)		
		प्राधिकारी	शास्तियां	
1	2	3	4	5
(i) सचिव कार्यालय के सभी पद	अधीक्षण इंजीनियर	अधीक्षण इंजीनियर	सभी	मुख्य इंजीनियर
(ii) क्षेत्रीय (युनिट कार्यालयों के सभी पद	वैज्ञानिक-डी (डी)	(वैज्ञानिक-डी (डी)	सभी	मुख्य जलसू-विज्ञानी
(iii) खंड कार्यालयों में सभी पद	कार्यपालक इंजीनियर	कार्यपालक इंजीनियर	सभी	अधीक्षण इंजीनियर
(ix) मुख्यालय पर सभी पद	उपेष्ट प्रशासन अधिकारी	उपेष्ट प्रशासन अधिकारी	सभी	निदेशक (प्रशासन)

[सं. 25-23/89- जी. डब्ल्यू.]

अनूप मुकर्जी, निदेशक (जी-डब्ल्यू)

MINISTRY OF WATER RESOURCES

Ground Water Desk

New Delhi, the 1st August, 1990

S.O. 2232.—In exercise of powers conferred by sub-rule (2) of rule 9, Clause (b) of Sub-rule (2) of rule 12 and sub-section (1) of section 11 of the said Act, the Central Services (Classification, Control and Appeal) Rules, 1965 and in supersession of the Notification of the Government of India in the erstwhile Ministry of Agriculture No. S.R.O. 634-A, dated the 28th February, 1957 and in so far as they

relate to Groups 'E', 'C' and 'D' posts of the Central Ground Water Board, a subordinate office of the Ministry of Water Resources, except as respects things done or omitted to be done before supersession, the President hereby directs that in respect of posts in General Central Services Groups 'B', 'C' and 'D' of the Central Ground Water Board specified in column 1 of the Parts I, II and III of the Schedule annexed hereto, the authorities specified in column 2 shall be Appointing Authority and authorities specified in columns 3 and 5 shall be the Disciplinary Authority and Appellate Authority respectively in regard to the penalties specified in column 4.

SCHEDULE

PART I—GENERAL CENTRAL SERVICE, GROUP 'B'

Description of post	Appointing Authority	Authority Competent to impose penalties and penalties which it may impose (with reference to item Number in Rule 11)		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
Hydrogeological Wing :				
1. Assistant Hydrogeologist	Chief Hydrogeologist	Chief Hydrogeologist	All	Chairman, Central Ground Water Board
2. Assistant Geophysicist	Chief Hydrogeologist	Chief Hydrogeologist.	All	Chairman, Central Ground Water Board.
3. Junior Hydrologist	Chief Hydrogeologist.	Chief Hydrogeologist.	All	Chairman, Central Ground Water Board.
4. Assistant Chemist	Chief Hydrogeologist.	Chief Hydrogeologist.	All	Chairman, Central Ground Water Board
5. Well Logging Technician	Chief Hydrogeologist.	Chief Hydrogeologist.	All	Chairman, Central Ground Water Board.
6. Assistant Soil Chemist.	Chief Hydrogeologist.	Chief Hydrogeologist.	All	Chairman, Central Ground Water Board.

1	2	3	4	5
7. Officer Surveyor	Chief Hydrogeologist.	Chief Hydrogeologist.	All	Chairman, Central Ground Water Board.
8. Assistant Artist	Chief Hydrogeologist.	Chief Hydrogeologist.	All	Chairman, Central Ground Water Board.
9. Senior Cartographer	Chief Hydrogeologist	Chief Hydrogeologist.	All	Chairman, Central Ground Water Board.
10. Engineering Wing :				
11. Driller	Chief Engineer	Chief Engineer	All	Chairman, Central Ground Water Board.
12. Driller-in-Charge	Chief Engineer	Chief Engineer	All	Chairman, Central Ground Water Board.
13. Store Officer Administrative Wing	Chief Engineer	Chief Engineer	All	Chairman, Central Ground Water Board.
14. Administrative Officer	Chief Hydrogeologist/- Chief Engineer (who so ever be the Head of the Department)	Chief Hydrogeologist Chief Engineer (Who so ever the Head of the Department)	All	Chairman, Central Ground Water Board
15. Assistant Administrative Officer.	Chief Hydrogeologist/- Chief Engineer (who-so-ever be the Head of the Department)	Chief Hydrogeologist/ Chief Engineer (Who so ever be the Head of the Department)	All	Chairman, Central Ground Water Board.

PART II—GENERAL CENTRAL SERVICES, GROUP 'C'

Description of Service	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
(i) Engineering Wing (Tech.) :				
Posts having a scale of pay, the maximum of which does not exceed Rs. 2300/-	Superintending Engineer	Superintending Engineer	All	Chief Engineer, Central Ground Water Board.
post having a scale of pay, the maximum of which exceeds Rs. 2300/-.	Chief Engineer	Chief Engineer	All	Chairman Central Ground Water Board.
(ii) Hydrogeologist Wing (Tech/Scientific) :				
Posts having a scale of pay, the maximum of which does not exceed Rs. 2300/-	Scientist-D(D)	Scientist-D (D)	All	Chief Hydrogeologist
Posts having scale of pay, the maximum of which exceeds Rs. 2300/-	Chief Hydrogeologist.	Chief Hydrogeologist	All	Chairman Central Ground Water Board.
(iii) Ministerial Wing.				
All Post	Director (Administration)	Director (Administration)	All	Chairman, Central Ground Water Board.

PART III—GENERAL CENTRAL SERVICE, GROUP 'D'

Description of service	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item Nos. in Rule 11)		Appellate Authority
		Authority	Penalties.	
1	2	3	4	5
(i) All posts in Circle Office	Superintending Engineer	Superintending Engineer	All	Chief Engineer
(ii) All posts in Regional/Units Officers.	Scientist-D(D)	Scientist-D(D)	All	Chief Hydrogeologist
(iii) All posts in Divisional Offices.	Executive Engineer	Executive Engineer	All	Superintending Engineer
(iv) All posts at Head Quarters	Senior Administrative officer.	Senior Administrative Officer.	All	Director (Administration)

[No. 25-23/89-GW]

ANUP MUKHERJEE, Dir. (GW)

ऊर्जा मंत्रालय

(कोयला विभाग)

आदेश

नई दिल्ली, 31 जुलाई, 1990

का.आ. 2233 कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (i) के अधीन निकाली गई भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. आ. 938 (अ) तारीख, 10 अक्टूबर, 1988 के भारत के राजपत्र तारीख 10 अक्टूबर, 1988 में प्रकाशित होने पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और अधिकार उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन सभी विलगनों से मुक्त होकर आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे।

और, केन्द्रीय सरकार का यह समाधान हो गया है कि उत्तरी कोलफील्ड्स लि., सिंगरौली (जिसे इसमें इसके पश्चात् उक्त कंपनी कहा गया है), जो एक सरकारी कंपनी है, ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए राजामंद हैं ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा II की उपधारा (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निवेश देती है कि इस प्रकार निहित भूमि और अधिकार, तारीख 10 अक्टूबर, 1988 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, गिम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में विहित हो जाएंगे; अर्थात् :—

(1) उक्त कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिफल, व्याज, नुकसानी और बँसी ही मदों की वावत किए गए सभी संदायों की केन्द्रीय सरकार को प्रति-पूर्ति करेगी।

(2) उक्त कंपनी द्वारा शर्त (1) के अधीन केन्द्रीय सरकार को संलग्न रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा और ऐसे किसी अधिकरण और अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगन सभी व्यय, उक्त कंपनी वहन करेगी और इसी प्रकार इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उसके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील, आदि की वावत उपगत सभी व्यय भी उक्त कंपनी वहन करेगी।

(3) उक्त कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी।

(4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त अधिसूचना की अनुसूची में विनिर्दिष्ट उक्त भूमि किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी। किन्तु कंपनी को खनन क्रियाकलापों के संबंध में, अपेक्षित निवास क्वार्टरों, औद्योगिक भवनों अन्य अवसंरचनाओं का सन्निर्माण करने का अधिकार होगा।

(5) कंपनी ऐसे निदेशों या शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विनिर्दिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, मान्य करेगी।

[फा. सं. 43015/21/87—एल. एस. डब्ल्यू]

MINISTRY OF ENERGY

(Department of Coal)

ORDER

New Delhi, the 31st July, 1990

S.O. 2233.—Whereas on the publication of the notification of the Government of India in the Ministry of Energy (Department of Coal), No. S.O. 938(E), dated the 10th October, 1988, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), published in the Gazette of India, dated the 10th October, 1988, the land and rights described in the Schedule appended to the said notification vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Northern Coalfields Limited, Singrauli (hereinafter referred to as the said Company), a Government Company, is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the land and rights so vested shall with effect from the 10th October, 1988, instead of continuing to so vest in the Central Government, vest in the said Government Company, subject to the following terms and conditions, namely :—

- (1) The said Company shall re-imburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.
- (2) A Tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Company under condition (1), and all expenditures incurred in connection with any such tribunal and persons appointed to assist the Tribunal shall be borne by the said Company and similarly, all expenditures incurred in respect of all legal proceedings like appeals etc. for or in connection with the rights, in or over the said land, so vesting shall also be borne by the said Company.
- (3) The said Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said land so vesting.
- (4) The said Company shall have no power to transfer the said land specified in the Schedule to the said notification to any other person without the previous approval of the Central Government. However, the company shall have the right to construct residential quarters, industrial buildings, other infrastructures required in connection with mining activities.
- (5) The Company shall abide by such directions or conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[No. 43015/21/87-LSW]

आदेश

नई दिल्ली, 3 अगस्त, 1990

का.आ. 2234—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का. 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 9 की

उपधारा (1) के अधीन निकाली गई भाग्य सरकार के उर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. आ. सं. 2129, तारीख 31 अगस्त, 1989 के भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 9 सितम्बर, 1989 में प्रकाशित होने पर, उक्त अधिसूचना में संलग्न अनुच्छेदों में वर्णित भूमि और ऐसी भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन सभी विलगनों से मुक्त होकर आत्यधिक रूप से केन्द्रीय सरकार में निहित हो गए थे ;

और केन्द्रीय सरकार का यह समाधान हो गया है कि सेन्ट्रल कोलफील्ड्स लिमिटेड, (जिसे इसमें इसके पश्चात सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे अनुपालन करने के लिए रजामंद है ;

अतः, अद्य, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि इस प्रकार विहित उक्त भूमि और उसमें या उस पर के अधिकार, तारीख 9 सितम्बर, 1989 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने को बचाए, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाए, अर्थात् :—

(1) उक्त सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, ब्याज, नुकसानी और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ।

(2) उक्त सरकारी कंपनी द्वारा शर्त (1) के अधीन केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी वहन करेगी, और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील, आदि की बाबत उपगत सभी व्यय भी, उक्त सरकारी कंपनी वहन करेगी ।

(3) उक्त सरकारी कंपनी, केन्द्रीय सरकार, या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो क्षतिपूर्ति करेगी ।

(4) उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना उक्त भूमि किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी ।

(5) उक्त सरकारी कंपनी, ऐसे निदेशों या शर्तों का, जो केन्द्रीय सरकार द्वारा, जहाँ कभी आवश्यक हों, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएँ या अधिरोपित की जाएँ, पालन करेगी।

[सं. 43015/15/85 - सी ए/एच एम डब्ल्यू.]

ORDER

New Delhi, the 3rd August, 1990

S.O. 2234.—Whereas on the publication of the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 2129, dated 31st August, 1989 issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 9th September, 1989, the lands and rights in or over such land described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Central Coalfields Limited, Ranchi (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over such land so vested shall, with effect from the 9th September, 1989, instead of continuing to vest in the Central Government, vest in the said Government Company, subject to the following terms and conditions, namely :—

(1) The said Government Company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.

(2) A tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Government Company under condition (1), and all expenditures incurred in connection with any such Tribunal and persons appointed to assist the tribunal shall be borne by the said Government Company and similarly all expenditures incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights in or over the said lands so vesting, shall also be borne by the said Government Company.

(3) The said Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting.

(4) The said Government Company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government.

(5) The said Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[No. 43015/15/85-CA/LSW]

नई दिल्ली, 6 अगस्त, 1990

का. आ. 2235:—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3 उपखंड (ii) तारीख 4 नवम्बर, 1989, पृष्ठ 3329-3331 में प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना का. आ. सं. 2779 तारीख 5 अक्तूबर, 1979 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 842.40 हेक्टर (लगभग) या 2081.57 एकड़ (लगभग) है, कोयले का पूर्वांश करने के अपने आशय की सूचना दी थी ;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्त है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उससे संलग्न अनुसूची में वर्णित 208.01 हेक्टर (लगभग) या 513.99 एकड़ (लगभग) माप की भूमि या ऐसी भूमि में या उन पर के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1 : इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. सी-1 (ई)-III-जे जे आर 453/1289 तारीख 19 दिसम्बर, 1989 का निरीक्षण कलकत्ता, चन्दापुर (महाराष्ट्र) के कार्यालय में या कोयला निबंधक, 1 काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या वेस्टर्न कोलफील्ड लिमिटेड (राजस्व कोल एस्टेट), सिविल लाइन्स नागपुर-440001 (महाराष्ट्र) भाग के कार्यालय में किया जा सकता है।

टिप्पण 2 : कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है।

अर्जन के प्रति आक्षेप—

“8 (1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है हितबद्ध है, अधिसूचना के निकाले जाने से तीन दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकार का अधीन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण— इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और

ऐसी संक्रियाएँ केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और अतिरिक्त जांच यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के

अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्टें केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्राधिकार में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण 3 : केन्द्रीय सरकार ने कोयला नियंत्रक, 1, कार्डिसल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची
चारगांव ब्लॉक
बाणी क्षेत्र
जिला चन्द्रपुर (महाराष्ट्र)

सभी अधिकारी

क्र. सं.	ग्राम का नाम	पटवारी सर्किल सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	कुनाद	28	भद्रावती	चन्द्रपुर	130.33	भाग
2.	चारगांव	28	भद्रावती	चन्द्रपुर	77.68	भाग

कुल क्षेत्र : 208.02 हेक्टर (लगभग)

या : 513.99 एकड़ (लगभग)

ग्राम कुनाद में अर्जित किए जाने वाले प्लॉट की संख्या

56 से 62, 63/1, 63/2, 64, 65, 66/1, 66/2, 66/3, 67 से 69, 70/1, 70/2, 74 भाग, 76 भाग, 77, 109 भाग, 110 से 113, 116 से 131, 132 भाग, 133 से 148, 139 भाग, 140 भाग, 141 भाग, 142 से 144, 145/1, 145/2, 145/3, 146 भाग, 147 भाग, 198, 149/1, 149/2, 150 भाग, 151 भाग, 184, 249 भाग, 250 भाग, 255, 257, 258, 261, 262, 264 भाग, 265 से 270, 271, 272, 274, 275, नाला भाग, मड़क भाग,
ग्राम चारगांव में अर्जित किए जाने वाले प्लॉट की संख्या

5 भाग, 16, 17, 18/1, 18/2, 18/3, 184, 185, 19 से 37, 38/1, 38/2, 39, 40 भाग, 41 से 44, 47, 76 भाग, 77, 78 भाग, 79 भाग, 263 भाग, नाला, मड़क भाग।

सीमा वर्णन :

क-ख रेखा "क" बिन्दु से आरंभ होकर कुनाद ग्राम में प्लॉट सं. 264 से गुजरती है, मड़क पार करती है, उसके पश्चात् प्लॉट सं. 184 की बाहरी सीमा को पार करती हुई प्लॉट सं. 139, 140, मड़क, 141, 146, 147, 150, 151, से गुजरती है और "ख" बिन्दु पर मिलती है।

सीमा वर्णन :

ख-ग-घ-ङ-च-छ रेखा चारगांव में प्लॉट सं. 79, 78, 76, 40 से होकर गुजरती है और मड़क प्लॉट सं. 47, 44, मड़क, 263 की बाहरी सीमा के साथ-साथ चलती हुई "छ" बिन्दु पर मिलती है।

छ-ज-झ-ञ

रेखा चारगांव में प्लॉट सं. 253 "मड़क" प्लॉट सं. 5 से होकर गुजरती हुई प्लॉट सं. 16 की बाहरी सीमा के साथ-साथ चलती है, वहाँ नदी की उत्तरी सीमा के साथ-साथ चलती है, प्लॉट सं. 17, 19, 20, 24 की बाहरी सीमा के साथ-साथ चलकर नव कुनाद ग्राम में प्लॉट सं. 60, 59, 58, 258, 257, 57, 56 की बाहरी सीमा के साथ-साथ चलती हुई "ज" बिन्दु पर मिलती है।

झ-ट-ठ-ड-ढ

रेखा कुनाद ग्राम में प्लॉट सं. 56, 66/2, 66/1, 67, 77 की बाहरी सीमा के साथ-साथ चलती हुई प्लॉट सं. 76, 74 से गुजरती है। प्लॉट सं. 274, 116, 113, 119, 111, 262 की बाहरी सीमा के साथ-साथ चलती है और "ढ" बिन्दु पर मिलती है।

ब-ग-ग-ब-२-३.

रेखा कुनाद ग्राम में प्लॉट नं० 109 से होकर गुजरती है प्लॉट नं० 130, 131, को बाहरी सीमा के साथ-साथ चलती है, प्लॉट नं० 132, 250, 249, साथ से गुजरती है प्लॉट नं० 266, 265, 264 की बाहरी सीमा के साथ-साथ अपनी है और प्रारंभिक बिन्दु "ब" पर मिलती है।

[नं. 43015/14/89-एन.एस.उत्तर.]

डी. बी. राव, प्रवर अधिकारी

New Delhi, the 6th August, 1990

OBJECTION TO ACQUISITION :

S.O. 2235.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 2789 dated the 5th October, 1989 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and published in Part-II, Section-3, Sub-section (ii) of the Gazette of India, dated the 4th November, 1989 at pages 3329-3331, the Central Government gave notice of its intention to prospect for coal in 842.40 hectares (approximately) or 2081.57 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said land;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the lands measuring 208.01 hectares (approximately) or 513.99 acres (approximately) of All Rights described in the Schedule appended hereto;

Note 1.—The plan bearing No. C-1(E)/III/JR/453/1289 dated 19th December, 1989 of the area covered by this notification may be inspected in the Office of the Collector, Chandrapur (Maharashtra) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra).

Note 2.—Attention is hereby invited to the provisions of section 8 of the aforesaid Act which provides as follows :

"8(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of the Section 7 or of rights in or over such land or make different reports in respect of different parcels of such land or of rights in or over such land to the Central Government, containing his recommendations on the objections together with the record of the proceedings held by him for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3.—The Coal Controller, 1, Council House Street, Calcutta, has been appointed by the Central Government as the competent authority under the Act

SCHEDULE CHARGAON BLOCK WANI AREA

District Chandrapur (Maharashtra)

ALL RIGHTS

Sl. Name of village No.	Patwari circle number	Tehsil	District	Area in hectares	Remarks
1. Kunad	28	Bhadravati	Chandrapur	130.33	Part
2. Chargaon	28	Bhadravati	Chandrapur	77.68	Part
				Total area	208.01 hectares (approximately)
				or,	513.99 acres (approximately)

Plot numbers to be acquired in village Kunad :

56 to 62, 63/1, 63/2, 64, 65, 66/1, 66/2, 66/3, 67 to 69, 70/1, 70/2, 74 part 76, part 77, 109 part, 110 to 113, 116 to 131, 132 part 133 to 138, 139 Part, 140 Part, 141 Part, 142 to 144, 145/1, 145/2 145/3, 146 Part, 147 Part, 148, 149/1, 149/2, 150 Part, 151 Part, 184, 249 Part, 250 Part 255, 257, 258, 261 262, 264 Part, 265 to 270, 271, 272, 274, 275, Nallah Part, Road Part.

Plot numbers to be acquired in village Chargaon :

5 part, 16, 17, 18/1, 18/2, 18/3, 18/4, 18/5, 19 to 37, 38/1, 38/2, 39/40, Part, 41 to 44, 47, 76 part, 77, 78 Part, 79 Part, 263 Part, Nallah, Road Part.

Boundary description :

- A—B : Line starts from point 'A' and passes through village Kunad in plot number 264, crosses road then along the outer boundary of plot number 184, in plot numbers 139, 140, road, 141, 146, 147, 150, 151 and meets at point 'B'
- C—D—E—G— Line passes through village Chargaon in plot numbers 79, 78, 76, 40, along the outer boundary of road, 47, 44, road, 263 and meets at point 'G'.
- G—H—I—J Line passes through village chazgaon in plot number 263, Road, plot number 5, along the outer boundary of plot number 16, northern boundary of Wardha River, along the outer boundary of plot numbers 17, 19, 20, 24, then passes through village Kunad along the outer boundary of plot numbers 60, 59, 58, 258, 257, 57, 56 and meets at point 'J'.
- J—K—L—M—N Line passes through village Kunad along the outer boundary of plot numbers 56, 66/2, 66/1, 67, 77: in plot numbers 76, 74 along the outer boundary of plot numbers 274, 116, 112, 111, 262 and meets at point 'N'.
- N—O—P—Q—R—A Line passes through village Kunad in plot number 109, along the outer boundary of plot numbers 130, 131, in numbers 132, 250, 249, nallah, along the outer boundary of plot numbers 266, 265, 264 and meets at starting point 'A'.

[No. 43015/11/89.LSW]

B. B. Rao, Under Secy.

गृहरी विकास मंत्रालय

नई दिल्ली, 3 अगस्त, 1990

का.ग्रा. 2236.—यतः निम्नांकित क्षेत्रों के बारे में कतिपय संशोधन, जिन्हें केन्द्रीय सरकार नीचे वर्णित क्षेत्रों के बारे में दिल्ली बृहद योजना/क्षेत्रीय विकास योजना में प्रस्तावित करती है जो दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 44 के अनुसार दिनांक 11-3-89 के नोटिस संख्या एफ. 3(23)/85-एम.पी. द्वारा प्रकाशित किए गए थे, जिसमें उक्त नियम की धारा 11क की उपधारा (3) में अपेक्षित आपत्तियाँ/सुझाव उक्त नोटिस की तारीख से 30 दिन की अवधि के भीतर आमंत्रित किए गए थे;

और यतः उक्त प्रस्तावित संशोधनों के बारे में जनता से प्राप्त हुए आपत्ति/सुझाव पर विचार किया गया था और यतः केन्द्रीय सरकार ने दिल्ली बृहद योजना/क्षेत्रीय विकास योजना में संशोधन करने का निर्णय लिया है;

यतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 11क की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दिल्ली की उक्त बृहद योजना में एतद्वारा निम्नलिखित संशोधन करती है।

संशोधन

उत्तर एवं दक्षिण में कृषि हरित पट्टी, पश्चिम में विद्यमान फार्म हाऊसों और पूर्व में आद्या कात्यायनी शक्ति पीठ मंदिर से घिरी लगभग 5.36 एकड़ भूमि (छत्तरपुर गांव के खसरा नं. 66/1, 68, 69, 70, 71, 72, 73 एवं 74) के क्षेत्र को "ग्रामीण उपयोग जोन" से "सार्वजनिक एवं अर्ध-सार्वजनिक सुविधाओं (धार्मिक)" में बदला जाता है।

[स. के-13011/22/86-डीडी-II/वीए/आईडी]

अर्जुन देव, ग्राम गणिय

MINISTRY OF URBAN DEVELOPMENT

New Delhi, the 3rd August, 1990

S.O. 2236.—Whereas certain modifications, which the Central Government proposes to make in the Master Plan for Delhi/Zonal Development Plan regarding the areas mentioned hereunder, were published with Notice No. F. 3(23)/85-MP dated 11-3-89 in accordance with the provisions of Section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of Section 11A of the said Act, within thirty days from the date of the said notice;

And whereas the objection/suggestion received from the public with regard to the said proposed modifications was duly considered and whereas the Central Government have decided to modify the Master Plan for Delhi/Zonal Development Plan;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

MODIFICATION :

"The land use of an area measuring about 5.36 acres (Kh. Nos. 66/1, 68, 69, 70, 71, 72, 73 & 74 of Village Chhattarpur) bounded by Agricultural Green Belt towards North and South, existing Farm Houses in the West and existing Adya Katyani Shakti Pith Temple in the East is changed from 'Rural use Zone' to 'Public and semi public facilities (Religious)'".

[No. K-13011/22/86-DD-IIA/VA/IB]

ARJAN DEV, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 23 जुलाई, 1990

का.आ. 2237.—चलचित्र अधिनियम 1952 (1952 का 37) के खंड 5 के उप-खंड (2) के साथ पठित चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 9 में प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार, श्री एम. पद्मानभन, आई. ए. एम. (दि.प्र.: 78) को दिनांक 13 जुलाई, 1990 (पूराहम)

में अगले आदेशों तक केन्द्रीय फिल्म प्रमाणन बोर्ड, बंगलूर में प्रतिनियुक्ति आधार पर क्षेत्रीय अधिकारी के पद पर नियुक्त करती है।

[फा. सं. 801/2/89-एफ. (सी)]

टी. एस. अरसु, डेस्क अधिकारी

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 23rd July, 1990

S.O. 2237.—In exercise of the powers conferred by sub-section (2) of section 5 of the Cinematograph Act 1952 (37 of 1952) read with rule 9 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri S. Padmanabhan, I.A.S. (HP-78), to officiate as Regional Officer, Central Board of Film Certification, Bangalore on deputation basis with effect from the forenoon of 13th July, 1990, until further orders.

[F. No. 801/2/89-F(C)]
T. S. ARASU, Desk Officer

अस मन्त्रालय

नई दिल्ली, 26 जुलाई, 1990

का.आ. 2238.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे, लखनऊ के प्रबन्धतंत्र के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-90 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 26th July, 1990

S.O. 2238.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 26-7-90

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
KANPUR

Industrial Dispute No. 129 of 1987

In the matter of dispute between :

Shri B. D. Tewari,
Zonal Working President,
U.R.K.U. 96/196 Ganeshganj,
Roshan Bajaj Lane,
Lucknow.

AND

The Sr. D.P.O.,
Northern Rly.
Hazaratganj,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41011/17/86-D.H(B) dt. 2-9-87, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Northern Railway Lucknow in terminating Shri Anil Kumar BM Khalsi and 27 others (as shown in the annexures) from service w.e.f. 4-10-87 is legal and justified? If not to what relief & from what date, the concerned workmen is entitled?

2. The case was fixed for cross examination of the workmen on his affidavit on 15-3-90, 19-4-90, 30.5.90 and 12.7.90 an application was moved by Sh. Tewari, Zonal Working President, Uttar Railway Karamchari Union which raised the dispute on behalf of the workmen for adjournment on the ground that the workmen could not get sufficient information of the date. Looking to the background of the facts the application was rejected by the Tribunal. There being no evidence from the side of the workmen in support of their case, a no claim award is given in the case.

Reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-41011/17/86-D.H(B)]

नई दिल्ली, 31 जुलाई, 1990

का.आ. 2239.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे अहमदाबाद के प्रबन्धतंत्र के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-90 को प्राप्त हुआ था।

New Delhi, the 31st July, 1990

S.O. 2239.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Ahmedabad and their workmen, which was received by the Central Government on 26-7-90,

ANNEXURE

BEFORE SHRI H. D. PANDYA, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL) AT
AHMEDABAD

Complaint (ITC) No. 1 of 1985

IN

Reference (ITC) No. 9 of 1983

Shri Harimohan Sharma, Ahmedabad.

COMPLAINANT.

VERSUS

Western Railway Engineering Workshop, Sabarmati,
Ahmedabad. RESPONDENT.

In the matter of a complaint under Section 33-A of the Industrial Disputes Act, 1947.

AWARD

This is a complaint under Section 33-A of the Industrial Disputes Act 1947, against the order changing the existing seniority pattern of the Mistry concerned workman and thereby contravening the provisions of Section 33 of the Act during the pendency of Reference (ITC) No. 9 of 1983 in which the complainant is a concerned workman.

2. However before this complaint can be heard and finally disposed of, Shri C. S. Parasar has filed the petition

Ex. 10 wherein it is stated that they may be allowed to withdraw their complaint No. 1 of 1985. Permission is granted to withdraw the complaint and the complaint is disposed of accordingly. No order as to costs. Ahmedabad.

Dated : 2-7-1990.

H. D. PANDYA, Presiding Officer

[No. L-41011/38/83-D.II(B)]

का.आ. 2240.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबन्धतांत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-7-90 को प्राप्त हुआ था।

S.O. 2240.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 31-7-1990.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
KANPUR

Industrial Dispute No. 41 of 1989

IN THE MATTER OF DISPUTE BETWEEN

The Divisional Secretary, URKU 96/196 Roshanbajaj
Lane, Ganeshganj, Lucknow.

AND

Sr. D.O.S. Northern Railway,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41012/77/87-D.II(B) dated 1-2-89, has referred the following dispute for adjudication to this Tribunal:

Kya Divisional Railway Manager Uttar Railway Lucknow ki Shri J. S. Gupta ASM ko 7-10-85 se sewa nivrati kar samaya se sewa nivrati karne ki kaswahi nyaachhit thi? Yadi nahi to sambandhit karamkar kis anutosh ka haqdar hai?

2. The workman's case is that he was appointed ASM on 15-6-54 and retired on 7-10-85 as ASM 'C' Class. At the time of retirement his scale of pay was Rs. 455-700 and his basic pay was Rs. 640 per month. He alleges that on 27-9-84, he reported sick. On resumption of duty he was sent by Station Supdt. Lucknow to see Sr. DSC on 4-7-85. He was kept waiting for orders upto 7-10-85 thereafter he was retired under duress by Sr. SD Lucknow. In the ordinary course he would have retired on 14-7-91, on attaining the age of superannuation. The workman also alleges that he had filed a petition under Sec. 33C(2) ID Act in this Court for recovery of wages for the period 27-9-84 to 7-10-85. It gave rise to LCA No. 618 of 85. In the said case he succeeded. Annexure I to the claim statement is the copy of order dt. 14-5-87 passed in the said case. He has, therefore, prayed that the order of retirement made effective w.e.f. 7-10-85 be set aside and he be given the benefit of unbroken service upto the date of his superannuation.

3. The management plead that the workman was retired from service on 7-10-85 by the Rly Administration on his request. The management deny rest of the allegations made by the workman, with regard to circumstances under which his retirement was ordered. The management further plead that the workman was under the sick report of a Private Medical Practitioner from 27-9-84 to 30-4-84, and under Railway Doctor from 1-5-85 to 1-7-85. The workman after obtaining certificate of fitness from the Railway Doctor approached the SS Lucknow on 2-7-85 and the SS Lucknow forwarded him to Sr. DSO on 3-7-85. When it was informed by the workman to the Sr. DSO that he had also submitted his application dt. 30-5-85 for voluntarily retirement to the SS Lucknow, the Sr. DSO ordered that his retirement application be put up before him. The competent authority accepted the workman's request for voluntarily retirement and informed about it to the workman by means of letter dt. 3-9-85 which was received by the workman on 12-9-85. In the said letter it was clearly mentioned that the workman stood voluntarily retired on the Afternoon of 7-10-85. In the circumstances the question of his actual date of superannuation does not arise. As regards the order passed in LCA No. 618 of 1985, the management plead that the said order has been challenged by the Rly. Administration by means of a Writ Petition which is still pending in the Lucknow Bench of the Hon'ble High Court of Allahabad. While passing the order in LCA No. 618 of 85 this court (my learned predecessor Shri R. B. Srivastava) has observed that the workman would not be entitled to recover the amount until his income tax dues were satisfied. The management also plead that the workman had been doing private business during his service period and consequently very frequently he reported sick under Private Medical Practitioner or took leave quite often and failed to discharge his duties as a Railway Servant with sincerity and honesty. The income tax authorities had also sent a notice to the Railway Administration directing that the income tax dues amounting Rs. 31845 would be made from the wages of the workman. The workman has thus not come to the court with clean hands. Lastly, it is pleaded by the management that Uttar Railway Karamchhari Union is not a recognised Union nor a registered Trade Union. There is no post of Zonal Working President in the alleged Union. Even the workman does not come within the definition of workman as given under Sec. 2(o) I.D. Act.

4. In the rejoinder it is pleaded that the Sr. DOS compelled the workman to sign an antedated letter of voluntarily retirement and forced him to accept retirement under threat of dismissal in accordance with Rule 14(2) of the Railway Servant Disciplinary and Appeal Rules, 1968. As regards income tax dues it is alleged that no income tax is due against the workman. As regards the orders passed in LCA No. 618 of 1985, it is pleaded that the filing of the Writ Petition is nothing but a misconceived action on the part of the management. With regard to Uttar Railway Karamchhari Union it is alleged that the recognition by the Administration is immaterial. Such pleas as have been raised in the W.S. by the management could have been raised at the conciliation stage and the decision of the appropriate Government obtained.

5. In support of his case, the workman has filed his own affidavit and some documents. On the other hand, in support of their case, the management have filed no affidavit of Shri Y. K. Singh Sr. Clerk and a few documents.

6. I may state here that on 11-12-89, the workman moved an application for summoning of 4 documents, from the management. The application was taken up for disposal on 12-3-90. The management filed photostat copies of documents mentioned at serial nos. 2 and 3 of the workman's application beside one more document which is the copy of workman's application dt. 5-9-85 addressed to the DRM Lucknow.

7. All the three documents bears the necessary certificate under the Indian Railway Act. They have been marked as Ex. M-1, M-2 and M-3.

8. Ext. M-2 is the photostat copy of workman's application dt. 30-5-85 seeking voluntarily retirement w.e.f. 7-10-85. The question for consideration is whether it was obtained under duress by the Sr. DSO as alleged by the workman or it was made by the workman of his own free will. No doubt in this case, the management have not examined, the Section Supdt. Lucknow and the then Sr. DSO but that will not matter much. There is famous saying that man may die but the circumstances do not. What I mean to say is that the conduct of the man, in circumstances like the present one, subsequently considered throw a great light on the nature of action of a person. It is not necessary in such cases to call very Senior Officers to rebut the case set up by a party.

9. The case set up by the workman is that application for voluntary retirement was obtained by him under duress by Sr. DSO

10. In this connection first of all I would like to refer to his conduct subsequently to the making of application for voluntary retirement. In para 3 of his statement in his cross examination, the workman says that against the high-handedness of the Sr. DSO he did not make any complaint to any senior officer. In the same para he admits that he never wrote to the Sr. DSO complaining about his high-handedness in the matter. In para 4 of his statement in cross-examination he admits that he has no quarrel with the Sr. DSO. Even he had no ill will with the Sr. DSO. In the same para he says that about the High handedness of the Sr. DSO he did not give any notice to any officer of the Railway. In para 6 of his statement in cross examination he says that after 4th July, 1985 he did not write to any officer of the Railway that he was withdrawing his application for voluntarily retirement. Lastly Ext. M-1 is the copy of application dated 5th September, 1985 from the workman to the DRM. Para 2 of it which reads as under is very relevant :—

I had also submitted an application for voluntarily retirement on 3rd July, 1985. The learned Sr. DSO promise to accept the same but did not decide the matter of giving him duty before proposed voluntary retirement.

There is nothing in this application to show that application for voluntary retirement was obtained from him by the Sr. DSO under duress as is now alleged by him. The only defence is that the application for voluntarily retirement was moved by him on July 3rd, 1985. The only grievance which he made through this application was that Sr. DSO to whom he had made his application for voluntary retirement had not decided the matter of giving him duty before the proposed voluntarily retirement. He therefore prayed that he be paid salary for the months of July and August, 1985. In this connection I would also like to refer to the following lines appearing in the copy of order dated 14th May, 1987 passed by my learned predecessor in LCA No. 618 of 85—

The workman had filed the application with the payment of Wages Authority on 5th September, 1985 but he has not mentioned that the same was obtained under duress.

Although my learned predecessor believed the workman's case that application for voluntary retirement was obtained from him by the Sr. DSO under duress, atleast one thing comes out from the above observation that so much plea that application for voluntary retirement was obtained from him under duress by the Sr. DSO was even raised by him before the Payment of Wages Authority.

11. As earlier remarked it is the subsequent conduct regarding an action which is challenged that is material. The above facts and circumstances go to how that this was a voluntarily act. Had it been not so, he would have surely adopted one of the following methods—

1. Written to the Sr. DSO explaining circumstances under which the application for voluntarily retirement was obtained from him.
2. Made a complaint to the officers senior to Sr. DSO about the alleged misconduct for Sr. DSO in obtaining from him such an application.

3. Atleast made a specific mention of this fact in his application when it was moved before the Payment of Wages Authority and in his letter dated 5th March, 1985, copy Ext. M-1, addressed to the LRM NR, Lucknow.

4. Moved an application withdrawing his application for voluntary retirement.

According to the workman he was to retire on 14th July, 1991 meaning thereby that he had 6 years of more service left to his credit. Thus he had a very heavy stake. Had the application for voluntarily retirement been obtained from him under duress he would have surely adopted one or more of the above methods in order to disown his application for voluntary retirement.

12. There is yet another circumstances which show that even on 3rd July, 1988 or 4th July, 1988 he was not medically fit. In para 3 of his statement in cross examination he has deposed that from a year before 4th July, 1985 he had been ill. Then in para 4 of his statement in cross examination he has deposed that even after 4th July, 1985 he remained ill and has been ill. What does all this mean? All this clearly mean that he never recovered from his illness. In these days it is not difficult to obtained a medical certificate of any kind from such doctors as are unscrupulous. So because of his continued illness, he must have thought, it would be better to seek voluntary retirement.

13. There is a third circumstances which also belie the workman's case. With his affidavit he has filed copies of note sheets which were furnished to him by the management when the matter was ending before ALC(C) Lucknow. About these documents he has deposed in his examination in chief. It appears from document No. 1 that on 3rd July, 1985, before the Sr. DSO, the workman claimed to have submitted his retirement application. Such a none appears on the note sheet. It further appears that the Sr. DSO directed that his retirement application be put up before him. Had the Sr. DSO obtained the application for voluntary retirement from the workman forcibly he would not have been made such an endorsement on the note sheet. Further he would not have asked him to put the date on the application as 30th May, 1985. From Ext. M-3 which is the copy of order dated 6th/9th August, 1985, it is clear that the workman was retired from the afternoon of 7th October, 1985. If it had been otherwise, the Sr. DSO could have retired him from 1st September, 1985 taking the 3 months period from 30th May, 1985.

14. I may state here that while deciding the reference I am not bound by the findings arrived at by any learned predecessor in LCA No. 618 of 1985, specially when the matter is still subjudice on account of pendency of Writ Petition the Lucknow Bench of the Hon'ble High Court of Allahabad.

15. Hence, it is held that the action of the management in retiring the workman from the afternoon of 7th October, 1985 on the application of voluntarily retirement of the workman was justified. The workman is entitled to no relief.

16. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-41012/77/87-D.II(B)(Pt.)]

नई दिल्ली, 3 अगस्त, 1990

का.प्र. 2241 -औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में; केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबन्धसंस्थ के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचषट को पकाशित करती है, जो केन्द्रीय सरकार की 1-8-90 को प्राप्त हुआ था।

New Delhi the 3rd August, 1990

S.O. 2241.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure to the industrial dispute between the employers in relation to the management of Western Railway and their workmen, which was received by the Central Government on 1-8-1990

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 39/88

In matter of dispute between :

Pooran D, Retired SOM working under Divl. Railway Manager, Western Railway, Kota.

Versus

1. The General Manager, Western Railway, Churchgate, Bombay.
2. The Divl. Railway Manager, Western Railway, Kota.

APPEARANCES :

Shri A. D. Grover—for the workman.

Shri Hub Lal—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-41611/62/83-D.II (B) dated 26-7-84 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the arrears of high scale paid by the Railway Management to Shri Mangilal, a junior employee in preference to Shri Poonam D, Pipe Fitter is justified ? If not, to what relief the workman is entitled ?"

2. On 5-6-90 the representative for the workman stated that he has to seek further instructions from the workman in this case and, therefore he requested for adjournment which was adjourned to 12-6-90. On that date i.e. 12-6-90 the workman representative said that he had no instructions from the workman. The case had been adjourned from 1-8-89 for filing rejoinder by the workman but even after 7 adjournments rejoinder was not filed and the representative for the workman stated that he had no instructions. The workman did not appear himself. It appears that the workman was not interested in proceeding further with this reference. I, therefore, pass a 'No Dispute' award in this case leaving the parties to bear their own costs.

Dated : 29th June 1990.

GANPATI SHARMA, Presiding Officer
[No. L-14011/11/62/83-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

नई दिल्ली, 30 जुलाई, 1990

का.आ. 2242—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फूड कॉर्पोरेशन ऑफ इंडिया के प्रबन्धन के संबंध में नियोजकों और उनके कार्यकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-90 को प्राप्त हुआ था ।

New Delhi, the 30th July, 1990

S.O. 2242.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure

in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 27-7-1990.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 5 of 1990

PARTIES :

Employers in relation to the management of Food Corporation of India

AND

Their workmen.

APPEARANCES :

On behalf of employer—Mr. J. D. Srivastava, Deputy Manager (Legal) of Food Corporation of India.

On behalf of workmen—Mr. Dulal Nath, Assistant Secretary of the Union.

STATE : Uttar Pradesh and

INDUSTRY : Food

Union Territory of Delhi

Corporation

AWARD

By Order No. L-42011(82)/87-Jf (B)/IR (C-II) dated 19th March, 1990, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Food Corporation of India in having two sets of rules for duty hours in respect of the loading and unloading employees in the State of Uttar Pradesh and Union Territory of Delhi and denying the payment of overtime from June, 1973 and onwards, is fair and legal ? If not, to what relief the workmen concerned are entitled ?"

2. When the case is called out today, both parties appear and file a Joint Petition of Compromise duly signed by them. They pray for an Award in terms of the Joint Petition of Compromise. Considered the said Joint Petition of Compromise as well as submissions of the parties. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties I therefore, accept the same and pass an Award in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure-A.

This is my Award.

Dated, Calcutta,

The 17th July, 1990.

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. L-42011/82/87-D.II(B)/IR(C-II)]

ANNEXURE A

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Reference No. 5 of 1990

PARTIES :

Employers in relation to the Management of Food Corporation of India ;

AND

Their workmen.

Represented by the Food Corporation of India Workers Union.

The parties herein above do hereby jointly submit as under :

1. That the above cited dispute has been referred to the Learned Tribunal for adjudication with the following terms of reference.

"Whether the action of the Management of Food Corporation of India in having two sets of rules for duty hours in respect of the loading and unloading employees in the State of Uttar Pradesh and Union Territory of Delhi and denying the payment of overtime from June, 1973 and onwards, is fair and legal? If not, to what relief the workmen concerned are entitled?"

2. That both the parties, namely the management of the Food Corporation of India and Food Corporation of India Workers' Union have, through mutual negotiations, resolved, inter alia, the dispute under reference in terms of clauses under the Heading "Additional Agenda-Removal of Imbalances in the Duty Hours at Departmental Labourers Depots in North Zone" of the bilateral settlement on 6th June, 1990 and a copy of the same is annexed herewith.

3. That for the sake of specificity, the relevant clauses referred to in Para 2 above, are reproduced as under :—
ADDITIONAL AGENDA

REMOVAL OF IMBALANCES IN THE DUTY HOURS OF DEPARTMENTAL LABOURERS DEPOTS IN NORTH ZONE :

The Union demanded that their duty hours should be brought at par with the staff posted at departmental labourers depot to ensure smooth functioning. The demand of the Union was accepted with reference to 6½ working hours shift i.e. from 9.00 AM to 4.00 PM or 10.00 AM to 5.00 PM with lunch break as applicable to staff upon the written assurance of the Union that :—

- (i) The Union will withdraw all the pending cases in the Courts/Tribunals in this regard.
 - (ii) The prescribed norms will remain unchanged
 - (iii) The Union will not raise any fresh demand in respect of existing Scheme of incentive on account of such reduction of duty hours. However, if any fresh scheme of incentive is negotiated by the Union with the Hqrs. the duty hours shall remain as per the agreement and this commitment by the Union will have no bearings.
 - (iv) Existing terms of weekly off and holidays remain unchanged. This arrangement will be implemented from the date of signing of minutes i.e. 6-6-90.
4. That the afore cited portion of the settlement relating to the dispute under reference is fair, equitable and to the satisfaction of both the parties who desire the said settlement to be adopted as an award by the learned Tribunal

PRAYER

It is therefore jointly prayed that the learned Tribunal may be pleased to make a consent award in terms of the above quoted relevant action of the annexed settlement dated 6-6-90 between the parties.

Representing Employer

Food Corporation of India

J. D. Srivastava,

Dy. Manager (L)

FCI, Zonal Office (N)

New Delhi.

Anil Kapoor

Chief Labour Inspector,

FCI, Zonal Office (N)

New Delhi.

Representing Workmen :

Food Corporation of India Workers Union

Sd/-

Illegible

Dt. 19-7-90

Asstt. Secretary

P.C.I. WORKERS UNION

68, Diamond Harbour Road
Calcutta-700023.

Dulal Nath

Assistant Secretary,

FCI, Workers Union.

MINUTES OF THE MEETING DATED 5-6-90 HELD IN
THE CHAMBER OF THE ZONAL MANAGER (NORTH)
WITH FCI WORKERS UNION

The following were present :

Management side :

Shri V. K. Dewan, Zonal Manager (North)

Shri P. K. Vasudeva, Dy. Zonal Manager (N)

Shri Javed Yusufzadai, Manager (IR/L), Hqrs.

Shri K. S. Sethi, Sr. Regional Manager, Delhi

Shri T. R. Palaha, Sr. Regional Manager, 1/C, Punjab

Shri K. K. Gautam, Joint Manager (Pers)

Shri V. K. Malhotra, C.I., Delhi Region

Shri Anil Kapoor, C.I.

Union side :

Shri H. P. Singh, General Secretary

Shri Thakur Bhagwan Singh, Asstt. Secretary

Shri Mohd. Tahir, Organizing Secretary.

The meeting was held on agenda submitted by FCI Workers Union vide letter No. FCIWU/5/1/113/90/314 dated 28-5-90. It was explained by Manager (IR/L), Hqrs. that on all the policy matters Hqrs. is already seized of the problem. Therefore, the discussions were held in respect of the points pertaining to the North Zone as under :

ITEM : 15 AMRITSAR COMPLEX NAWASHAHAR AND AMBALA DEPOTS NOT YET MADE DPS AS PER AGREEMENT DATED 3-11-89

AMRITSAR COMPLEX :

It was pointed out by SRM Pb. 1/C that the main difficulty was about the identification of petitioners. The FCI Workers Union insisted that as per their agreement, there was no need for identification and the list submitted by them alongwith detailed biodata of all 403 labourers should be accepted by FCI. The management hereby agrees to accept the biodata furnished and verified by the Union and make all concerned workers as Direct Payment System workers. Identity cards will be issued accordingly.

NAWASHAHAR : (67 Labourers)

It was decided that similar line of action will be adopted for induction of workers as per the terms of settlement at this depot.

AMBALA : (31 Labourers)

The same procedure as agreed for Amritsar will be adopted at this depot. It was, however, decided that SRM Haryana would be advised not to insist for medical and police verification of each individual labourers, a pre-condition for induction.

ITEM : 14 TRANSFER OF FARIDABAD D.P. WORKERS NOT YET DONE :

The General Secretary of the Union clarified that their demand pertains to the induction of these 75 ex-attendance category workers of Faridabad as DPS in Ambala or any other depot. He mentioned that the ex-P.M. FCI Hqrs. had already agreed with the demand. Manager (IR/L) Hqrs. informed that certain information was required from the Z.O. The said information will be submitted by Z.O. with a suitable proposal if necessary, on priority.

ITEM : 16 INTRODUCTION OF MATE SYSTEM AT 6 DEPOTS IN UP REGION :

The Union demanded the introduction of mate system at the 11 depots in U.P. immediately on the same agreements pattern as followed in Madhya Pradesh. This was accepted by F.C.I. for six depots only viz., Mathura, Imalia, Chandpur, Shyam Nagar, Fatehpur and Shikohabad.

ADDITIONAL AGENDA

REMOVAL OF IMBALANCES IN THE DUTY HOURS AT DEPARTMENTAL LABOURERS DEPOTS IN NORTH ZONE :

The Union demanded that their duty hours should be brought at par with the staff posted at departmental labourers depot to ensure smooth functioning. The demand of the Union was accepted with reference to 6½ working hours shift i.e. from 9.00 AM to 4.00 PM or 10.00 AM to 5.00

PM with lunch break as applicable to staff upon the written assurance of the Union that :

- (i) The Union will withdraw all the pending cases in the Courts/Tribunals in this regard.
- (ii) The prescribed norms will remain unchanged.
- (iii) The Union will not raise any fresh demand in respect of existing scheme of incentive on account of such reduction of duty hours. However, if any fresh scheme of incentive is negotiated by the Union with the Hqs. the duty hours shall remain as per the agreement and this commitment by the Union will have no bearings.
- (iv) Existing terms of weekly off and holidays remain unchanged.

This arrangement will be implemented from the date of signing of minutes i.e. 6-6-1990.

However, on the basis of above, an amicable settlement as per the provisions of Industrial Dispute Act embodying the modalities and consequential effect will be signed with the Union and the same shall be presented before the Presiding Officer, CGIT, Calcutta, for the Consent Award.

(V. K. DEWAN)
(P. K. VASUDEVA)
(JAVED YUSUFZAI)
(K. S. STHI)
(T. R. PALAHA)
(K. K. GAUTAM)
(V. K. MALHOTRA)
(ANIL KAPOOR)
(H. P. SINGH)
(THAKUR BHAGWAN SINGH)
(MOHD. TAHIR)

का.आ. 2243.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गिरमिन्ट कोल्हरी आफ मी. ई.सी.एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-90 को प्राप्त हुआ था।

S.O. 2243.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Girmint Colliery of Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 27-7-1990.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 67 of 1988

PARTIES :

Employers in relation to the management of Girmint Colliery of M/s. Eastern Coalfields Limited.

AND

Their workmen.

APPEARANCES :

On behalf of employer—Mr. P. Banerjee, Advocate.

On behalf of workmen—None.

STATE : West Bengal

INDUSTRY : Coal

AWARD

By Order No. L-19012/161/86-D.IV (B) dated 20th May, 1987, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

2155 GI/90—5.

“Whether the action of the Management of Girmint Colliery of M/s. Eastern Coalfields Limited by not giving notional seniority from the year 1980 and annual increment to Shri Bisheswar Nunia, Surface Trammer is justified? If not, to what relief the workman is entitled?”

2. When the case is called out today, Mr. P. Banerjee, Advocate appears for the employer. Nobody appears for the workmen. A petition was received on 15-6-1990 from the Union stating therein that the Union was not interested to proceed with the present reference and the Union has prayed for a “No Dispute Award”. Mr. Banerjee appearing for the employer has no objection in this regard.

3. On due consideration of the petition of the Union as well as the submission of Mr. Banerjee appearing for the employer, I find that this Tribunal has no other alternative but to pass a “No Dispute Award” and accordingly a “No Dispute Award” is passed.

This is my Award.

Dated, Calcutta.

The 18th July, 1990.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012/161/86-D.IV(B)]

का.आ. 2244.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भानोरा कोल्हरी आफ मी. ई.सी.एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-90 को प्राप्त हुआ था।

S.O. 2244.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhanora Colliery of M/s. ECL and their workmen, which was received by the Central Government on 27-7-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 20/90

PARTIES :

Employers in relation to the Management of Bhanora Colliery of M/s. E.C. Ltd.

AND

Their Workman.

APPEARANCES :

For the Workman—Sri Bijoy Kumar, Joint Secretary,

For the Workman—Sri Bijoy Kumar, Joint Secretary, the Union.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 13th July, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. I-22012(40)/90-IR (C-II) dated the 30th May, 1990.

SCHEDULE

“Whether the action of the management of Bhanora Colliery under Sripur Area of M/s. F.C. Ltd., in

not providing employment to the department of Sri Ram Subhag Chamer, Ex. Underground Leader in spite of letter No. ECL/CMD/C-6B/Empl.2890 dated 21-9-88 of the P.M. (HD Qrs.), ECL, was justified. If not, to what relief the workman is entitled and from which date ?”

2. During the pendency of the case, today (13-7-90) Sri Bijoy Kumar, Joint Secretary of Koyula Mazdoor Congress Union filed a petition submitting therein that the concerned union is no longer interested to pursue the instant matter. In the petition the union has also prayed for a no dispute award in this case.

3. Upon consideration of the petition filed by the union, this Tribunal has no other alternative but to pass a no dispute award and accordingly a 'no dispute' award is passed.

This is my award.

N. K. SAHA, Presiding Officer
[No. L-22012/40/90-IR (C-11)]

का.आ. 2245—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बेलबैड कोलियरी आफ म. ई.सी. एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-90 को प्राप्त हुआ था।

S.O. 2245.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Belbaid Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 27-7-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 31/88

PARTIES :

Employers in relation to the Management of Belbaid Colliery of M/s. E.C. Ltd.

AND

Their workman.

APPEARANCES :

For the Employers—Sri P. K. Das, Advocate

For the Workman—Sri Manoj Mukherjee, Advocate.

INDUSTRY : Coal STATE : West Bengal

Dated, the 18th July, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-24012(216)/87-D.IV (B) dated the 18th March, 1988.

SCHEDULE

“Whether the action of the Management of Belbaid Colliery of M/s. Eastern Coalfields Ltd., P.O. Tonoel, Dist. Burdwan (W.B.) in dismissing Sri Golka Kora, Underground Clipman with effect from

21-4-84, is justified ? If not, to what relief is the concerned workman entitled ?”

2. Sri C. D. Dwevedi the learned Lawyer on record for the Union submitted on 24-4-90 that he had handed over the brief of this case to the Union and he had no instruction to appear in this case. Sri Dwevedi is also present in Court today and makes similar submission. It appears from the record that Sri Manoj Mukherjee an Advocate appeared for the Union after Sri Dwevedi. Sri Mukherjee is also present today and submits that he has no instruction to proceed with the case and I find that he made similar submission on 25-6-90.

3. As the learned Lawyers of the Union had no instruction a registered notice was sent to the Union asking the Union to appear today failing which the case will be decided in absence of the Union. That registered notice was duly served upon the Union on 28-6-90. But none has appeared today. Sri P. K. Das the learned Advocate for the management is present. The workman is also absent on repeated calls.

4. In the given circumstances, I find that surely the Union is not interested to proceed with the case as no dispute exists. So I have no other alternative but to pass a no dispute award and accordingly a 'no dispute' award is passed.

This is my award.

N. K. SAHA, Presiding Officer
[No. L-24012/210/87-D.IV(B)]

नई दिल्ली, 31 जुलाई, 1990

का.आ. 2246 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पारस कोल कोलियरी आफ ईस्टर्न कोल फील्ड्स लि. पोस्ट काजोरा ग्राम, के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-90 को प्राप्त हुआ था।

New Delhi, the 31st July, 1990

S.O. 2246.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Parascole Colliery of Eastern Coalfields Ltd. P.O. Kajoragram and their workmen, which was received by the Central Government on 30th July, 1990.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 160 of 1988

PARTIES :

Employers in relation to the management of Parascole Colliery of Eastern Coalfields Ltd., P.O. Kajoragram, District Burdwan.

AND

Their workmen.

APPEARANCES :

On behalf of employer—Mr. P. Banerjee, Advocate

On behalf of workmen—None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012(21)/87-D.IV(B) dated 24th August, 1987, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

"Whether action of the Management of Parascole Colliery of Eastern Coalfields Ltd., P.O. Kajoragram District Burdwan in dismissing Smt. Bhuti Bourin Wagon Loader from her service from 13th December, 1983, is justified? If not, to what relief, the concerned workman is entitled?"

2. When the case is called out today, Mr. P. Banerjee Advocate appears for the employer. Nobody appears for the workmen. A petition was however received from the Union on 15th June, 1990, stating therein that the union was not interested to proceed with the present reference and the union has prayed for a "No Dispute Award". Mr. Banerjee appearing for the employer has no objection in this regard.

3. On due consideration of the petition of the union as well as the submission of Mr. Banerjee, I find that this Tribunal has no other alternative but to pass a "No Dispute Award" and accordingly a "No Dispute Award" is passed.

This is my Award.

Dated, Calcutta,
The 19th July, 1990.

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. 1-19012/21/87-D.IV(B)]

नई दिल्ली, 1 अगस्त, 1990

का. प्र. 2247 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नन्दन कोल्हरी आफ वेस्टर्न कोलफील्ड्स लि. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-7-90 को प्राप्त हुआ था।

New Delhi, the 1st August, 1990

S.O. 2247.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Nandan Colliery of M/s. Western Coalfields Ltd. and their workmen, which was received by the Central Government on 31st July, 1990.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)136/1987

PARTIES:

Employers in relation to the management of Nandan Colliery of M/s. Western Coalfields Ltd. P.O. Damua, District Chhindwara (M.P.)

AND

Their workman, Shri Joy Thomas S/o Shri P. V. Thomas, Ex-Clerk, Nandan Colliery of W.C.L. P.O. Damua, District Chhindwara (M.P.).

APPEARANCES:

For Workman—Shri S. K. Rao, Advocate.

For Management—Shri R. Menon, Advocate.

INDUSTRY : Coal Mining. DISTRICT : Chhindwara (MP)

AWARD

Dated, July 13, 1990

By Notification No. L-22012/20/86-D.III(B)/D.IV.B dated 3rd August, 1987 Central Government, Ministry of Labour:

and, referred the following dispute to this Tribunal, for adjudication:—

"Whether the action of the Management of Nandan Colliery of Western Coalfields Ltd., P.O. Nandan, District Chhindwara, in dismissing Sri Joy Thomas, Compounder/Clerk from service with effect from 1st September, 1982 is justified? If not, to what relief the workman concerned is entitled?"

In this case a date was fixed for filing of written statement by the parties. But instead of filing the written statement Counsel for management, Shri Kajendra Menon, filed a Memorandum of Settlement dated 22nd August, 1987 on 22nd September, 1987 duly signed by Shri H. Singh on behalf of the management and Shri S. P. Singh on behalf of the workman concerned. The settlement is also signed by the workman concerned. The case was thereafter fixed for verification of settlement on 14th October, 1987. But in the meanwhile Shri S. K. Rao, Advocate, submitted an application on 29th September, 1987 and prayed that the settlement should be treated as void and illegal for the reasons mentioned in the application. The case was therefore fixed for 18th November, 1987 for filing reply and hearing on the objections so raised by Shri Rao, Advocate. Since then although the management filed its reply on 18th November, 1987, but sought a number of adjournments to argue on the point. Ultimately on 29th September, 1990 Counsel for both the parties appeared and verified the Settlement and Shri Rao, Advocate, stated that he does not press the earlier objection and requested that an award be passed in terms of the settlement dated 22nd August, 1987. The terms of the Settlement are as under:—

TERMS OF SETTLEMENT

1. Shri Joy Thomas will be reinstated as Clerk in any of the Areas/Units of WCL.
2. It has been agreed by the parties that the excess amount paid to the employees shall be deducted from the concerned employees, and if it is found that the amount has not been paid to the employees, such amount will be deducted from the salary of Shri Joy Thomas in suitable instalments.
3. He will not be entitled to wages or any other payment whatsoever for the period of idleness from the date of dismissal to the date of reinstatement.
4. The management will consider to grant him continuity of service for the limited purpose of payment of Gratuity, subject to his satisfactory performance for one year.

3. I have gone through the above terms of settlement. It may be noted that the Term No. 2 of the Settlement is ambiguous inasmuch as it discloses that "the excess amount paid to the employees shall be deducted from the concerned employees, and if it is found that the amount has not been paid to the employees, such amount will be deducted from the salary of Shri Joy Thomas in suitable instalments". The term should be that the excess amount, if any, paid to Shri Joy Thomas shall be deducted from his salary in suitable instalments. With this modification in the terms of Settlement, award is given as follows:—

1. Shri Joy Thomas will be reinstated as Clerk in any of the Areas/Units of W.C.L.
2. Excess amount, if any, paid to Shri Joy Thomas shall be deducted from his salary in suitable instalments.
3. He will not be entitled to wages or any other payment whatsoever for the period of idleness from the date of dismissal to the date of reinstatement.
4. The management will consider to grant him continuity of service for the limited purpose of payment of Gratuity, subject to his satisfactory performance for one year.

Award is made accordingly. No order as to costs.

V N. SHUKLA, Presiding Officer
[No. L-22012/20/86-D.III(B)/D.I(B)]

का.मा. 2248.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फूड कारपोरेशन आफ इंडिया, पटना क प्रबन्धन के संबद्ध नियाजका और उनके कर्मकारो के बीच, अनुबध मे निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण, न. 2, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 30-7-90 को प्राप्त हुआ था।

S.O. 2248.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India, Patna and their workmen, which was received by the Central Government on 30-7-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

REFERENCE NO. 4 OF 1990.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Food Corporation of India, Patna and their workmen.

APPEARANCES :

On behalf of the workmen : Vijayendra Kumar, State Joint Secretary, FCI Executive Staff Union.

On behalf of the employers : I. C. Sardana, Distt. Manager.

STATE : Bihar.

INDUSTRY : Food.

Dhanbad, the 20th July, 1990.

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-22012(268)/F/89-IR (Call. II), dated 11-1-1990.

SCHEDULE

“Whether the action of the Management of Food Corporation of India, Patna by not giving effect to the promotion order No. 479/88, dated 24-11-1988 in respect of Shri Arvind Singh, (while other workmen facing vigilance and criminal cases were promoted) and denying pay fixation in the revised scale of pay w.e.f. 1-8-1983 and stagnation increment w.e.f. 8/84, is legal and justified? If not, to what relief the workmen concerned is entitled?”

The case of the workmen is that the concerned workman Shri Arvind Singh was appointed as AG-III (Depot) on the basis of the panel drawn on 6-4-1976 and 7-4-1976 in respect of 61 workmen by the Regional Manager, FCI, Bihar Region, Patna. Accordingly the concerned workman reported for duty on 9-8-1976. His services were confirmed by the Regional Manager, FCI, Patna with effect from 9-8-1977 vide his order No. 178/78, dated 18-6-1978.

There are five zones in FCI, Bihar is in the Eastern Zone having its Zonal Office in Calcutta headed by Zonal Manager. The seniority of the concerned workman is maintained at Zonal Office on Zonal seniority basis and promotion of Cat. III staff including the concerned workman is effected by the Zonal Manager on the basis of the Zonal seniority list.

There are several region under the Eastern Zone including Bihar. The concerned regional head is the competent authority for making appointment of Cat. III employees. After appointment a consolidated list/panel is forwarded to the Zonal Office from the regions and the Zonal seniority list is prepared on the basis of the date and rank shown in the list. The date of joining of an employee is irrelevant for fixation of seniority. The basis of promotion of Cat. III staff is seniority only. Those who are senior on the basis of Zonal seniority list are to be promoted first. The concerned workman is presently placed at Sl. No. 405 of the gradation list though the said gradation list is not correct. The junior persons than the concerned workman were promoted as Asstt. Grade-II (D) by the Zonal Manager, FCI, Calcutta in 1987 vide order No. 500/87, dated 22-12-1987 but the case of the concerned workman for promotion was not considered at that time. Again a promotion order from Asstt. Grade-III (D) to Asstt. Grade-II (D) was issued by the Zonal Manager, East FCI, Calcutta (East) bearing office order No. 479/88 and 492/88 dated 24-11-1988 and 9-12-1988. The Asstt. Grade III (D) including the concerned workman were promoted as AG-III(D) in the pre-revised scale of Rs. 380-640. The name of the concerned workman was formerly placed at Sl. No. 10 of the promotion order which was subsequently corrected as Sl. No. 14 in the promotion order. All the workmen promoted along with the concerned workman are junior to the concerned workman. The promotion order in respect of all other workmen except the concerned workman was made effective and they are working on their promotion post of Asstt. Grade-II (D).

The promotion order of the concerned workman has not been released by the Sr. R. M., FCI, Patna on the plea that vigilance case is pending against him. According to the workmen there was no vigilance case pending against the concerned workman when promotion order was issued by the Zonal Manager, FCI, Calcutta or when it was made effective in respect of others by Sr. R. M., FCI, Patna which is quite illegal and unjustified. The other workmen who are facing vigilance and criminal case have also been promoted by the Zonal Manager and their promotion order are made effective by the Senior Regional Manager, FCI, Patna but the concerned workman is being discriminated and victimised by the management by adopting unfair labour practice for his trade union activities. Shri A. M. Sahay against whom criminal case is still pending in the Court relating to misappropriation of wheat stock has been promoted as Asstt. Manager (Depot) by the Zonal Manager and his promotion order was made effective by the Senior Regional Manager, Patna. Shri U. S. Dubey, AG-II(D) and 5 others have also been promoted during pendency of vigilance case against them. But it is not understood as to why the case of the concerned workman was not considered, when according to the headquarters circular there was no vigilance case pending against him at that time. As per headquarters circular vigilance case means a case for which departmental disciplinary authority has issued chargesheet and even criminal case filed by the police is not a vigilance case. No chargesheet was issued by the management against the concerned workman till the promotion order was made effective in respect of other workmen by the Senior Regional Manager, FCI, Patna. The action of the management therefore in not giving effect to the promotion order in respect of the concerned workman is illegal and unjustified. There is also no provision in the FCI staff regulation, 1971 regarding withholding of promotion on the ground of pendency of vigilance/criminal case against a workman. The seniority is the only criteria for promotion from AG-III-D to AG-II(D) or AG-II(D) to AG-I (D).

All category III workmen including the concerned workmen are entitled for one stagnation increment after expiry of 8 years of service subject to the condition that there should not be any adverse entry in their character roll during the last 3 years. The concerned workman has completed 8 years service in the month of August, 1984 and he has not been communicated with any adverse entry in the character roll. The concerned workman therefore is entitled to one stagnation increment as given to others including the persons against whom vigilance or criminal case was pending. The concerned workman has been singled out in not giving that benefit by the management which is unjustified.

The pay and other allowances, including fringe benefits of FCI throughout the country have been revised with effect from 1-8-1983. As per settlement all the regular workmen who have opted for the same are entitled for their pay revision and fringe benefits but the pay of the concerned workman has not been revised by the management though option as directed by the management was submitted by the concerned workman. The concerned workman is unnecessarily harassed by the management particularly by Shri Rajendra Das, A. M., Administration II of Regional Office, FCI Patna on some pretext or the other. The concerned workman who is presently posted at FCI Koderma since 1983 is discharging his duties with full satisfaction of the superiors. He has not been placed under suspension even for a moment in his entire service period and is drawing his full pay and other allowance in the pre-revised scale of pay regularly from the management. The District Manager, FCI, Hazaribagh has already forwarded his case with recommendation to Regional Office for fixation of pay but the same is being delayed only due to misrepresentation of facts by Shri Rajendra Das, A. M. (Administration II) who is biased with the concerned workman since his previous posting in vigilance section.

The concerned workman is entitled for his promotion to the post of AG II (D) as ordered by the Zonal Manager, FCI, Calcutta vide his order Nos. 479/88 and 492/88, dated 24-11-1988 and 9-12-1988 retrospectively with restoration of original seniority. He is also entitled for stagnation increment with effect from August, 1984 and pay revision with effect from 1-8-1983 and other fringe and consequential benefits. Accordingly it is prayed on behalf of the workman that an Award be passed in favour of the concerned workman.

The case of the management is that 3 points have been raised by the workmen on behalf of the concerned workman. The points are (a) promotion of Shri Arvind Singh Asstt. Grade-III(D) has been held up on the ground of pendency of vigilance case (b) stagnation increment with effect from August, 1984 has not been granted to the concerned workman and (c) pay of the concerned workman Arvind Singh Asstt. Grade-C has not been fixed in the revised scale on the I. D. A. pattern. The case of the management in this connection is that in accordance with the FCI standing instruction issued by the FCI headquarters under Reference No. 1/10/76-Vig., dated 31-8-1977 the employee/workman facing criminal trial/departmental proceeding or convicted by the Court of Criminal charge cannot be promoted to the next higher post. The concerned workman along with the other co-accused was facing 2 criminal case instituted by the CBI Patna in the Court of Special Judge Patna vide Court case No. 10/82 and 11/82. Out of these 2 cases the concerned workman has been convicted by the Court in Court case No. 10/82. As the concerned workman has been convicted by the Court on Criminal charge instituted by the CBI, Patna he is not entitled to get promotion to the next higher post in accordance with the existing procedures of headquarters circular stated above. Consequently the promotion of the concerned workman has been held up on the ground of conduct which led to his conviction. The follow up consequential departmental action for his removal or dismissal from service is held up due to injunction obtained from the Civil Court, Patna. It is submitted on behalf of the management regarding grant of stagnation increment that the concerned workman is not entitled to get stagnation increment on the ground of pendency of criminal proceeding and subsequent conviction by the competent court. The standing instructions regarding sanction of stagnation increment contain direction that the concerned employee maintain absolute integrity and free from all sort of criminal or vigilance proceeding. As criminal proceeding were pending against the concerned workman during 1984 and subsequently convicted by the Trial Court, the stagnation increment was not sanctioned to the concerned workman. In respect of the pendency of pay fixation of the concerned workman in the revised scale of pay on I. D. A. pattern, the case of the management is that the pay fixation on I.D.A. pattern is pending due to some legal complications relating to implementation of suspension order against the concerned workman. The concerned workman was placed under suspension during January, 1983 vide Office order under Ref. No. V and S/26(234)/83 dated 7-1-83. The concerned workman filed Title Suit No. 1/83 against opera-

tion of the above suspension order in the Court of Munsiff Koderma and obtained interim injunction which was subsequently vacated by the Hon'ble Court. Against the order of the Munsiff Koderma the concerned workman filed appeal in the District Court, Hazaribagh and obtained interim injunction against operation of the said suspension order. Subsequently the District Court, Hazaribagh set aside the order of the Munsiff Koderma and permanent injunction against operation of suspension order was granted. The management went in appeal before the Hon'ble High Court Patna (Kanchi Bench) against the order of the District Judge, Hazaribagh. The Hon'ble High Court after hearing both the parties set aside the order of the District Court and as such the suspension order became operative. The concerned workman filed SLP (C) No. 12981/85 before the Hon'ble Supreme Court against the order of the Hon'ble High Court, Patna. After hearing the parties the Hon'ble Supreme Court dismissed the SLP (C) and suspension order became operative. During the pendency of the case the concerned workman was allowed to discharge his duties due to Court injunction and regular salary was paid to him. Due to the legal aspect regarding implementation of the suspension order from the date of issue the concerned workman has performed duty and was paid his salary. A decision could not be arrived at regarding implementation of the order due to which pay of the concerned workman in the revised scale of I.D.A. pattern could not be finalised and the matter is still under consideration for the final order. On the above facts it is submitted on behalf of the management that the concerned workman is not entitled to any relief and that an Award be passed in favour of the management.

The points for decision in this case are :

- (1) Whether the action of the management of FCI Patna by not giving effect to the promotion order dated 24-11-88 in respect of the concerned workman Shri Arvind Singh facing vigilance and criminal case is justified,
- (2) Whether the action of the management of FCI Patna is justified in denying pay fixation to the concerned workman in the revised scale of pay with effect from 1-8-83 and
- (3) Whether the concerned workman is entitled to stagnation increment with effect from August, 1984 ?

The workmen examined one witness in support of their case. The management did not examine any witness. The documents of the workmen are marked Ext. W-1 to W-10 and the documents of the management are marked Ext. M-1 and M-2.

Point No. 1

Admittedly the concerned workman was promoted from Asstt. Grade III (D) to Asstt. Grade II (D) vide order No. 479/88 dated 24-11-88 in the pre-revised scale of Rs. 380-640. It is also admitted that subsequently the said promotion order was modified vide Office Order No. 492/88 dated 9-12-88. The concerned workman was placed at Sl. No. 10 of the promotion order dated 24-11-88 and after its modification he was placed at Sl. No. 14 of the Office order dated 9-12-88. In para 5 of the W.S. of the management it is admitted by the management that the promotion of the concerned workman vide order No. 492/88 dated 9-12-88 was issued by the Zonal Office (East), FCI, Calcutta subject to the condition that promotion order be made effective if there is no vigilance criminal case or departmental proceeding pending against him. The management has given reason that as the criminal case was pending against the concerned workman at the time of issue of promotion order he was not allowed to join in the promotional post of Asstt. Grade II (D). The management has not filed the said promotion orders to show that there was a provision in the promotion order that the promotion order will be made effective if there is no vigilance criminal case or departmental proceeding pending against any of the employees who were promoted from AG-III (D) to AG-II (D). The management has not examined any witness to show that there was such provision in the promotion order. As such its assertion made on behalf of the management is neither supported by any documents or oral evidence.

Ext. W-8 dated 28-2-86 is the provisional Zonal seniority list of AG-III (D) as on 30-6-84 in which the name of the concerned workman Shri Arvind Singh appears at Sl. No. 405 and his date of selection as shown in column 2 is 31-7-76. In para 4 of the W.S. of the workman it is stated that the persons whose names are placed below Sl. No. 405 (i.e. below the name of the concerned workman) have already been promoted vide Ext. W-1 dated 22-12-87. The management has not denied this assertion of the concerned workman made in para 4 of the W.S. The reply of the management in respect of para No. 4 of the W.S. of the workman is stated at page 3 wherein the said assertion of the workman that their juniors who were placed below him were promoted vide Ext. W-1 is not denied. It is clear therefore that persons junior to the concerned workman were promoted vide Ext. W-1 and the reason for not promoting the concerned workman, as stated by the management is that during 1987 a criminal case instituted by the CBI, Patna was pending against the concerned workman and as per existing instructions not to give promotion to the staff under criminal trial the concerned workman could not be promoted. The management has not produced existing instructions not to give promotion to the staff under criminal trial and there is even no oral evidence of the management on this point. Persons from Sl. No. 53 to Sl. No. 82 of Ext. W-1 are below in Sl. No. 4, 5 of Ext. W-8 and therefore it is apparent that those persons from Sl. No. 53 to 82 of Ext. W-1 who were junior to the concerned workman in the gradation list Ext. W-8 were promoted on 22-12-87. It is submitted on behalf of the workman that the gradation list Ext. W-8 was in fact defective as it did not give true picture of the seniority on the basis of the panel dated 3-4-76, 6-4-76 and 17-4-76. Regulation 10 of the Staff Regulation 1971 of FCI provides in clause (I) that promotion have to be made on the basis of seniority subject to fitness in respect of non selection post indicated in Appendix I of Staff Regulation. Regulation 16 deals with seniority of employees of direct recruits. Clause (I) of regulation 16 provides that the relevant seniority of all direct recruits will be determined by the order of merit in which they are selected for such appointment by the selecting authority ;

Persons appointed as a result of an early selection being senior to those appointed as a result of subsequent selection. Thus it will appear that their interse seniority of one batch of panel of selection is to be determined by order of merit given in the panel, and the persons appointed by a previous panel of selection are to be senior to those appointed as a result of subsequent selection panel. The case of the workmen is that the persons whose name is placed at Sl. No. 143 of Ext. W-8 was selected on the basis of a panel dated 3-4-76 and Sl. No. 144 of the gradation list Ext. W-8 was selected on the basis of panel dated 17-4-76. It is asserted that the concerned workman was appointed by the management on the basis of panel dated 6-4-76 and his name should have been placed below Sl. No. 143 and above Sl. No. 144 of the gradation list Ext. W-8 but that has not been done so. The workmen have stated in para 2 of the W.S. that the concerned workman was appointed as AG-III D on the basis of panel drawn on 6-4-76 and 7-4-76 in respect of 61 workmen and that he reported on duty on 9-4-76. The said assertion of the workmen in para 2 of the W.S. has not been controverted while replying to it in the W.S. of the management. The concerned workmen has examined himself as WW-1. He has clearly stated that he was appointed in accordance with the panel dated 6-4-76. The management have not cross-examined this witness on the said fact and it remains admitted that the concerned workman was appointed in accordance with the panel dated 6-4-76. In support of this fact the workmen have exhibited Ext. W-7 which is a representation by the State Secretary of the FCI Executive Staff Union to the Zonal Manager, (East) FCI dated 28-12-88. The said Secretary was raised the question of restoration of seniority of AG-III (D) appointed in Bihar Region in 1976 and has stated that the employees placed at Sl. No. 327 to 422 of the gradation list Ext. W-8 were appointed by the Regional Manager Bihar vide panel dated 6-4-76 and 7-4-76 and their seniority should have been fixed below Sl. No. 143 and above Sl. No. 144 of the seniority list dated 28-7-86. It is further stated that in view of the above mistake junior persons named at Sl. No. 114 and others have already been promoted to the post of AG-II (D) in 1983 and January, 1984 but the workmen of Bihar Region from Sl. No. 377 to 422 have suffered on that account. From the discussions made above it will appear that the concerned workman and the persons appointed along with him in the panel dated 6-4-76 should have been placed in

the gradation list after Sl. No. 143 and above Sl. No. 144. However, the fact remains that admittedly Sl. No. 53 to 82 who are junior to the concerned workman and other persons appointed along with him in the panel dated 6-4-76 are juniors and were promoted without any cogent reason.

The main reasons of not promoting the concerned workman from AG-III (D) to AG-II (D) is the pendency of criminal case and vigilance case against him and due to his conviction on 7-10-80 vide Ext. M-1. Admittedly, the concerned workman was promoted from AG-III (D) to AG-II (D) in 1988 and at that time we do not find any evidence that any vigilance case was pending against the concerned workman when his promotion was made on 24-11-88. Clause 14 of Regulation 10 of the Staff Regulation of FCI provides that all promotion shall be considered by a promotion board duly constituted for this purpose and shall be regulated by the general instructions to be issued by the Board of Directors, in regard to the field of choice to the candidates, the size of the panel and the validity of the panel. It appears that the management could regulate in regard to the field of choice of the candidates by general instructions to be issued by the Board of Directors for consideration of the promotion board, but the management has not produced any letter or circular to show that any general instruction was issued by the Board of Directors that an employee will not be promoted in any vigilance case was pending against him or when he was convicted in a criminal case. WW-1 has stated in his evidence that out of 370 persons who were promoted from Asstt. Grade-II to Asstt. Grade-II 369 of them were allowed to join from duties of AG-II D by the Senior Regional Manager of FCI but the concerned workman was not allowed to join. He has stated that the management has not assigned him with any reason as to why he was not posted in the promoted AG-II. He has further stated that there was no case of vigilance pending against him during the relevant period. The management has not produced any document or any oral evidence to falsify this evidence of WW-1. WW-1 further stated that even employees numbering about 6 against whom vigilance proceeding is pending and one of them who is in jail in a criminal case were also allowed AG-II after their promotion. He has specifically referred to Ext. W-2 dated 4-2-89 by which 5 persons were promoted from AG-II to AG-I. The concerned workman asserts that 5 persons named in Ext. W-2 were in the investigation of vigilance but even then they were promoted. By this evidence the workmen are trying to show that pendency of vigilance case is not a criteria for not allowing a workman to join on the promoted post. WW-1 has further stated that the criminal cases are not the vigilance case and that FCI has Staff Regulation which regulates the service condition of its employees. WW-1 has again stated that the Dy. Zonal Manager had given him a notice Ext. W-5 dated 4-8-87 as to why he should not be dismissed from service on the basis of his conviction vide judgement Ext. M-1 and that he had filed his explanation vide Ext. W-6 dated 22-8-87 and thereafter no action was taken against him and he was promoted in AG-II in 1988. He has further stated that no action has been taken against him till now in pursuance of Ext. W-5. The fact that the management has not taken any action against the concerned workman after the issuance of the notice Ext. W-5 shows that the management has dropped the idea of proceeding departmentally against the concerned workman. It has been held in 1971 Lab I.C. 452 that the failure to hold actual enquiry, orders regarding delinquents promotion and long lapse of period in passing final order were circumstances from which reasonable inference could be drawn that the delinquents explanation was accepted and proceedings were dropped. Notice was given vide Ext. W-5 to the concerned workman on 4-8-87 for proceeding against him and the concerned workman gave his reply vide Ext. W-6 dated 22-8-87 but since then no step was taken by the management against the concerned workman and he continued to work as before and was getting his full salary. The circumstances, therefore, show that the management had dropped the idea of proceeding departmentally against the concerned workman and as such there appears to be no reason as to why in spite of the order of promotion of the concerned workman in AG-II he was not allowed to join as AG-II D. The workmen have explained that other persons facing criminal trial and having vigilance proceeding against them were allowed to join in the promoted post. In that view of the matter it does not appear to reason as to why the concerned workman alone was chosen for not allowing him to join on his promoted post of AG-II D. The panel of promotion of the concerned workman and others was made by the D.P.C. and it was for them to consider all

the aspects while the panel for promotion was made. There appears to be no justification in the circumstances discussed above for not allowing the concerned workman to join in AG-II D after he was promoted by the management while other workmen facing vigilance and criminal case were promoted. I hold therefore that the action of the management of FCI Patna by not giving effect to the promotion order dated 24-11-88 in respect of the concerned workmen while other workmen facing vigilance and criminal case were promoted is not justified.

Point No. 2

Admittedly, the concerned workman has not been given advantage of the pay fixation and revision of his pay scale in terms of circular No. 2 of 1989 with effect from 1-8-83. Ext. W-4 is circular No. 2 of 1989 dated 25-3-89 by which the revision of pay scales, allowances and perquisites for Category-III and IV employees of the FCI with effect from 1-8-83 was allowed. It will appear that FCI was permitted to implement the settlement arrived at on 14-1-89 by the Hon'ble Supreme Court in respect of the members of the Union who were parties to the settlement and all other workmen who were willing to receive the benefit under that settlement. The concerned workman WW-1 has stated in his evidence that all those who gave their option accepting the new pay scales were given the new pay scales and that he also gave his option for the new pay scales. He has further stated that other employees who opted for the new pay scales were paid all other arrears but he had not been paid the arrear inspite of his repeated representations. He has also stated that all the employees are entitled to the new pay scales even if they were on suspension or leave. He has asserted that he had never been suspended from service and he is working in the Food Storage depot at Koderma since 11-8-83. He has stated that he was never served with the order of suspension Ext. M-2. The management has not produced any evidence to show that the suspension order Ext. M-2 was served on the concerned workman or that the concerned workman was ever treated as on suspension. The concerned workman has asserted that he was getting his full pay of the old scale and all these facts have not been converted by the management although they have filed the order of suspension Ext. M-2 in the case. Had the suspension order been served on the concerned workman or if he had been suspended there must have been some record with the management to show that the suspension order was served on the concerned workman and that during the period of suspension he was not given full salary for some limited period. On the contrary, the concerned workman has stated that he did not receive any suspension order and that he was always working at Koderma and was getting his full emoluments. It appears therefore that the suspension order was not served on the concerned workman. Even if the concerned workman was on suspension the circular Ext. W-4 shows that the suspension of the workmen could not be a ground for not fixing the revised pay under the circular. Para 8 of Ext. W-2 provides that these instructions are applicable only to the regular category III and IV employees of FCI governed by the FCI (Staff) Regulation 1971 and was not applied to the deputationist etc. Admittedly the concerned workman is a regular and confirmed Cat. III employee and is governed by the FCI Staff Regulation, 1971. Para 9 of Ext. W-4 provides that the instruction issued vide this circular shall be brought to the notice of all those Category III or IV employees of FCI who were on leave or on deputation or under suspension to enable them to exercise their option within the time prescribed. It is clear therefore that even the workmen on suspension could avail the revised pay scale provided that they exercise their option within the time prescribed. The concerned workman has stated that he has given his option for the revised pay scale. Thus even if the concerned workman was on suspension he was entitled to the revised pay scale as provided in the circular Ext. W-4 with effect from 1-8-83. It is stated by the management as regards pendency of pay fixation of the concerned workman in the revised scale of AG-III D on I.D.A. pattern that it is pending due to some legal complications relating to implementation of suspension order against the concerned workman. The reason therefore assigned by the management for not allowing him the pay fixation as per Ext. W-4 appears to be on the ground of his suspension order. I have already discussed that the circular Ext. W-4 provides for the fixation of revised pay even to workmen on suspension from 1-8-83 and I do not

find legal flaw in not allowing the pay fixation to the concerned workman in AG-III (D) with effect from 1-8-83 as per circular Ext. W-4.

I hold therefore that the management of FCI is not justified in denying pay fixation to the concerned workman in the revised scale of pay with effect from 1-8-83.

Point No. 3

None of the parties have filed the rules or circular regarding the entitlement of stagnation increment. However, according to the workmen all Category III workmen including the concerned workmen are entitled for one stagnation increment after expiry of 8 years of service subject to the condition that there should not be adverse entry in their character roll during the last 3 years. It is admitted that the concerned workman entered in the service of FCI as AG-III D on 9-8-76. Thus the concerned workman had completed 8 years of service in August, 1984. The management has not produced any character roll of the concerned workman prior to the completion of 8 years of his service to show that there was any adverse entry in his character roll. The concerned workman WW-1 has stated in his evidence that every employee of AG-III is entitled to one stagnation increment after completing 8 years of service in AG-III. He has stated that the confidential report of the last 3 years are considered for granting a stagnation increment. He has stated that any employee against whom there is adverse confidential report is communicated with his confidential report but no such adverse confidential report was communicated to the concerned workman. It will thus appear that the two requirements for entitlement of stagnation increments are fulfilled in the case of the concerned workman. In reply to para 10 of the W.S. of the workmen, the management have stated in their W.S. that the standing instruction of the FCI circulars give direction not to grant stagnation increment to those employees against whom vigilance cases or Court cases are pending or contemplated. It is further stated by the management that as during the material period the workman was under criminal trial in the Court of Special Judge, Patna instituted by the CBI he was not entitled to get stagnation increment and as such the same was not sanctioned. The management has not produced standing instruction or FCI circulars by which direction has been given not to grant stagnation increment to the employees against whom vigilance case and Court case are pending. Ext. W-3 is the petition of the concerned workman filed before the Zonal Manager (East) FCI, Calcutta by which the concerned workman requested the management to grant him stagnation increment with effect from 10-8-1984 as he had completed 8 years of service in the post of AG-III D. It is also admitted that the concerned workman did not get any stagnation increment and the reason for refusing given by the management in the W.S. is neither supported by any documentary or oral evidence. In this view of the matter the concerned workman appears to be entitled for stagnation increment from August, 1984.

In the result, I hold that the action of the management of FCI Patna by not giving effect to the promotion order No. 479/83 dated 24-11-88 in respect of the concerned workman Shri Arvind Singh (while other workmen facing vigilance and criminal case were promoted) and denying pay fixation in the revised scale of pay with effect from 1-8-83 and stagnation increment with effect from August 1984 is not legal and justified. The management is therefore directed to give effect to the promotion order No. 479/88 dated 24-11-88 and promote the concerned workman in AG-II (D) with effect from 24-11-88. I have not passed the order for the promotion of the concerned workman along with the persons above Sl. No. 53 of Ext. W-1 from December, 1987 as there is no reference to that effect. The management, however, may consider the desirability of promoting the concerned workman from the date his juniors have been promoted vide Ext. W-1. The management is further directed to fix the pay of the concerned workman in the revised scale (Ext. W-4) with effect from 1-8-83 and should pay him the arrears of the pay fixed up in the revised pay and should also pay the stagnation increment from August, 1984 to the concerned workman within two months from the date of publication of the Award.

I. N. SINHA, Presiding Officer
[No. L-22012/268/F/89-IR (C-II)]

का.आ. 2249.—औद्योगिक विवाद अधिनियम, 1917 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, कुसमुन्दा प्रोजेक्ट, डब्लू सी. लि. पोस्ट कुसमुन्दा के प्रबन्धकों के संलग्न निवासों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एकतम न्यायालय जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-7-90 को प्राप्त हुआ था।

S.O. 2249.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kusmunda Project W.C. Ltd. P.O. Kusmunda and their workmen, which was received by the Central Government on 31-7-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

1. Case No. CGIT/LC(R)(32) of 1987

(Reference Order No. L-22012(3)/86-D.V. dated 6-4-87 in respect of Mahesh Kumar, General Mazdoor Cat. I)

2. Case No. CGIT/LC(R)(46) of 1987

(Reference Order No. L-22012(6)/86-D.V. dated 26-3-87 in respect of Shankar Lal, General Mazdoor Cat. I)

3. Case No. CGIT/LC(R)(53) of 1987.

(Reference Order No. L-22012(1)/86-D.V. dated 9-4-87 in respect of Rameswar, General Mazdoor Cat. I.)

4. Case No. CGIT/LC(R)(54) of 1987.

(Reference Order No. L-22012(2)/86-D.V. dated 9-4-87 in respect of Murli, General Mazdoor Cat. I.)

5. Case No. CGIT/LC(R)(55) of 1987.

(Reference Order No. L-22012(5)/86-D.V. dated 24-4-87 in respect of Ramesh, General Mazdoor Cat. I.)

AND

6. Case No. CGIT/LC(R)(56) of 1987.

(Reference Order No. L-22012(5)/86-D.V. dated 28-4-87 in respect of Ram Kumar, General Mazdoor Cat. I.)

PARTIES:

Employers in relation to the management of Sub-Area Manager, Kusmunda Project, W.C. Ltd., Kusmunda, District Bilaspur (M.P.) and their workmen S/Shri Mahesh Kumar, Shankar Lal, Rameshwar, Murli Ramesh and Ram Kumar (all General Mazdoor Category I) represented through the General Secretary, Chhattisgarh Khadan Karkhana Mazdoor Union, Bankimnagar, District Bilaspur (M.P.).

APPEARANCES:

For Workmen Union—Shri Rambilash Shobnath.

For Management—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mining DISTRICT : Bilaspur (M.P.)

AWARD

Dated : July 13th, 1990

The Central Government in the Ministry of Labour has issued six reference orders noted above in respect of the termination of Mahesh Kumar, Shankar Lal, Rameshwar, Murli, Ramesh and Ram Kumar respectively. All the workmen concerned were employed as General Mazdoor Cat. I in the Kusmunda Project of Western Coalfields Limited, Post Kusmunda, District Bilaspur and their services were termi-

nated on 20-10-1984. Except the name of the workman concerned, the matter referred for adjudication by this Tribunal is similar in all the references. The matter referred to this Tribunal in all the cases is as under :—

SCHEDULE

“Whether the action of the management of Kusmunda Project, WCL, Post Kusmunda, Distt. Bilaspur (M.P.), in terminating the services of Shri General Mazdoor Cat. I w.e.f. 20-10-84 is justified? If not to what relief is the workman entitled to?”

2. In all the above cases parties filed their respective statement of claims in each case. They have also filed documents and issues were also framed. Since the law and facts in above cases no. 32/87, 46/87, 53/87, 54/87, 55/87 and 56/87 were common these cases were consolidated on 30-10-1987 for purposes of recording evidence and Case No. (32)/87 was made the leading case. On 11-4-1989 Shri Rambilash Shobhnath filed Affidavits of all the six workmen concerned. After the cross-examination of the workmen concerned on 24-1-90 by the management workmen closed their evidence and the case was fixed for evidence of the management but it could not materialise as the parties have arrived at a common settlement in respect of all the workmen concerned named in six reference orders which they have filed and verified before this Court on 28-6-1990. The Terms of Settlement are as under :—

TERMS AND CONDITIONS

1. The Management of Kusmunda Project, Korba West Area, SECL P.O. Kusmunda Distt. Bilaspur has agreed for re-instatement of S/Shri (1) Maheshram S/o Malikram (2) Shankar Lal S/o Hindolram (3) Rameshwar S/o Dukhiram (4) Murli S/o Baldeoram (5) Ramesh S/o Narmada Prasad and (6) Ram Kumar S/o Sahru as General Mazdoor Cat. I with effect from 1-7-1990 and they will be posted in Kusmunda Project of Korba West Area, SECL. Subsequently they may be transferred as per terms and conditions applicable to the all employees of Coal India
2. The period of absence from service with effect from 20-10-84 to 30-6-1990 will be treated as DIFS NON on the principle of ‘No work No Pay’. They will not be entitled for any other wages, dues whatsoever etc. for the period under agreement.
3. The above named workmen will be granted continuity of service for the purpose of gratuity only.
4. As applicable to all employees, the Management reserves the right for their antecedent verification etc.
5. Both the parties agree to abide by the above terms and conditions of the agreement and withdraw all pending cases relating to the above matters.
6. In future, neither the workmen or their representative will raise any dispute before any authority in respect of these cases.

The above terms of Settlement is signed by Shri H. P. Singh, Dy. CPM, KB West Area and Shri R. P. Khare, Dy. P. M. Kusmunda on behalf of the management and Shri Rambilash Shobhnath, General Secretary, CKKMU, Banki Mongra, on behalf of the workmen concerned. All the six workmen concerned have also signed the Settlement.

3. I have gone through above terms of Settlement arrived at between the parties which appear to be just, fair and in the interest of the workmen concerned. Since the parties have arrived at a common terms of settlement in respect of workmen concerned named in the six reference orders it will be convenient for me to record a common award. I, therefore, record my award in Case No. 32/87, 46/87, 53/87, 54/87, 55/87 and 56/87 in terms of the settlement amicably arrived at between the parties. No order as to costs.

4. This disposes of all the above six reference orders. A copy of this award be placed on each case file.

V. N. SHUKLA, Presiding Officer
[No. L-22012/3/86-D.V.]

का. आ. 2259—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. लि. क्षेत्र-I रामागुंडम डीवीजन, पोस्ट गोदावरीखानी के प्रबन्धन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 31-7-90 को प्राप्त हुआ था।

S.O. 2250.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C. Co. Ltd. Area I Ramagondan Divn. P.O. Godavarikhani and their workmen, which was received by the Central Government on 31-7-90.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

Dated : 12th July, 1990;

Industrial Dispute No. 59 of 1987

BETWEEN

The Workman of S.C. Co. Ltd., Area-I,
Ramagundam Division, P.O. Godavarikhani,
District Karimnagar.

AND

The Management of S.C. Co. Ltd., Area-I,
Ramagundam Division, P.O. Godavarikhani,
District Karimnagar.

APPEARANCES:

S/Sbri G. Bikshapathi, G. Vidya Sagar, V. Vishwanatham and B. Vinesh Raj. Advocates—for the Workmen.

S/Sri K. Srinivasa Murthy, Miss G. Sudha and A. Visalakshmi, Advocates—for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-21012/83/87-D.III(B) dated 16-11-1987 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of M/s. Singareni Collieries Company Limited, Area-I Ramagundam Division and their Workmen to this Tribunal for adjudication :

"Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Area I, Ramagundam Divn. P.O. Godavarikhani, Distt. Kerimnagar (A.P.) in dismissing Sri Gaddala Lingaiah, Shotter, GDK I Incline, from service w.e.f. 27-4-1983 is justified? If not, to what relief, the workman concerned is entitled?"

This reference was registered as Industrial Dispute No. 59 of 1987 and notices were issued to the parties.

2. The workman filed his claims statement alleging that he worked at Chandrapur for 16 years as Shot Firer and resigned the job. Later on he applied for the post of Shot Firer in Singareni Collieries and was appointed as Coal Cutter in GDK No. 3 Incline in 1973. He was promoted as Shot Firer in the same year and transferred to Incline I. He was discharging the duties to the entire satisfaction of his superiors. On 7-2-1982 he drew 40 Nos. Solijax 20 vicking cartridges and 50 detonators for blasting at 2 seam and he

was allotted four different working faces for blasting. He completed assigned work with the assistance of Coal Cutters and after completing the blasting work and exhausting all the detonators, the workman informed the Mining Sirdar regarding the balance of 5 Nos. of vicking cartridges. The workman was asked the the Mining Sirdar to return the same to the Magazine Section. Accordingly he deposited the 5 cartridges, duly recorded in the register and proceeded towards the cycle stand for going to his home. At the cycle stand the workman found one gunny bag. On verification, he found that the bag contained arms and detonators. As a responsible employee, the workman has handed over the same with Magazine Section and instructed the concerned employee Yadagiri, to report the matter to responsible officers and returned home. Thereupon he was given a charge sheet with five charges etc. He submitted his explanation, a farce of enquiry was conducted and he was ultimately dismissed from service by virtue of an order dt. 24-4-1983. The enquiry was conducted in utter violation of principles of natural justice. The Assistant Manager colluded with the Watchman and made a false case against the workman. The Enquiry Officer, being lower in rank than the Assistant Manager, he was forced to act accordingly. In fact, he exhausted all the explosives. The workman informed the Mining Sirdar that only vicking cartridges were left and unused and on his instruction the workman deposited the same and prayed to set aside the dismissal order etc.,

3. A counter was filed on behalf of the Management contending and putting the workman to strict proof that he worked at Chandrapur for 16 years etc., It is true that he was appointed as Coal Cutter initially and later on promoted as Shot Firer and it is considered to be a very important post as they will be doing the crucial job of blasting the coal in the mines. On 7-2-1982 he was working in the second shift from 3.00 P.M. to 11.00 P.M. The workman drew the material like Detonators, Solijex, vicking cartridges etc. from the Magazine Section but instead of blasting at the required number of places, he chose to blast only at few places and kept the detonators stealthily in a bag and instructed the Coal Cutter to take cap lamp to the Lamp Room and took cartridges to the Magazine Section. To blast particular areas does not mean that Shot Firer has completely utilised detonators given to him. The other allegation that Mining Sirdar asked the workman to return the same in the Magazine Section is not correct. It is not correct that he proceeded towards the cycle stand for going to his house, found a gunny bag there and wanted to return and it is a conveniently concocted story. The other paragraphs with regard to the holding of enquiry etc., it can be said that the procedure was not vitiated at all, the Enquiry Officer followed strictly the principles of natural justice, gave every opportunity to the workman and he fully participated in the enquiry, under any circumstances, it is requested that the action of the Management may be upheld and award may be passed accordingly.

4. A perusal of the record indicates that my learned predecessor, by virtue of an order dt. 26-9-1989, held the domestic enquiry as properly conducted and not vitiated by any irregularity. Hence the matter is now heard finally.

5. A perusal of the record further indicates that in this matter one witness was examined for the worker as well as for the Management, and as many as nine documents were marked for the Management.

6. First coming to the aspect of the facts. Here the charge sheet is marked as Ex. M2 and the explanation dt. 24-3-1982 submitted by the workman is marked as Ex. M3. The enquiry proceedings is marked as Ex. M8 and the Report Ex. M9. Ex. M3 makes an interesting reading and it is a typed explanation in English, signed by the workman in English. A portion of it reads as follows :

"In the second shift of 7-2-82 I have returned 5 Solijex cartridges to the magazine and came back to the Pit mouth by the time I happen to notice a loaded and tied gunny bag lying at the shelter shed. Then I touched the said bag and could recognise them to be explosives, being competent man, as Shot Firer, I felt it to be my responsibility to prevent the pilferage. I thought of returning it to the Magazine. While I was moving with the gunny bag on my

cycle towards the direction of Magazine that watchman of the shift named T. Yadagiri (General Mazdoor of 1 Incline) who was having personal grudge and rivalry earlier to this incident, has taken an advantage of this opportunity and held me there charging the theft of said explosives.

Thus there is a categorical admission on the part of the workman that by the time the General Mazdoor of Incline No. 1 T. Yadagiri apprehended him, he was moving with the gunny bag on his cycle and there are explosives in the gunny bag. Hence the naturally burden shifts to him to say and to explain how and under what circumstances he came to possess the gunny bag etc. A perusal of the record, especially the enquiry proceedings indicate that one Venkateshwarlu, Under Manager was examined. He simply stated that he was informed by T. Yadagiri. T. Yadagiri also was examined and his statement is an important one.

7. He has stated that at about 8.30 p.m. he went for drinking water to the pump near cycle shed, then he saw the workman taking one gunny bag and putting the loaded gunny bag on his cycle. He went to the cycle shed and questioned him about the loading. Workman replied that there was iron pieces in the bag, he took the loaded gunny bag from the workman Lingaiah and brought to the Mining Room and the workman Lingaiah came along with him to the Machine Mining Room. B. Laxmiah, Operator and another Watchman was there and another person, he opened the gunny bag and found 20 detonators, 21 soligex cartridges and he handed over them in the Machine Mining Room etc. This witness was cross examined by the workman. The question reads as follows :

"I did not tell you that the load in the bag were not iron pieces, I told you that the load in the bag were explosives is it not ?"

The reply was :

"You told me that the load in the bag was iron pieces but not explosives".

The next question was :

"I did not come along with the loaded gunny bag upto the Machine mining room and I did not see when you opened the bag, is it or not?"

The reply was :

"You came along with me upto the Machine Mining Room and in your presence I have opened the gunny bag and found the above explosives".

Then he said that he did not want to put any more questions to him.

8 Then Laxmiah was also examined. He also spoke in support of the Management that in his presence the gunny bag was opened etc. There is also the evidence of one Ramaiah, Magazine Clerk. He stated that the explosives issue book was not found in the magazine in the beginning of third shift as such he came to the office searching for the same and it was with the Assistant Manager G. Appa Rao at the office. He showed the issue of explosives account at the beginning of second shift in the issue register. As per it Lingaiah returned 5 soligex cartridges and he also signed in the Issue book. He also handed over 21 soligex cartridges and 20 detonators which were caught from Lingaiah, shot firer and asked "me to keep the same in the magazine." This Ramaiah was not at all cross examined and the workman said "no, I do not want to cross examine him."

9. Thus these things categorically go to show that in the domestic enquiry, the charges framed against the workman were fully proved. He himself admitted in his own explanation that he was found moving with the gunny bag containing explosives. Ofcourse his intention was to return, but as per the statement recorded at the time of domestic enquiry, his colleagues categorically stated that he said iron pieces etc. and finally it was brought and it was opened in his presence and then not one or two but as many as 40 items were found. After going through all these things only, the Enquiry

Officer found his misconduct proved as per the Company's Standing Orders.

10. Ofcourse an argument was raised that no second show cause notice was issued etc.,

11. A perusal of Standing Order of the Company 16 (deals with misconduct and 16(2) deals with theft, fraud; or dishonesty in connection with the Company's business or property, 16(9) deals with causing damage to work in progress or to property of the Company, 16(18) and (19) deal with leaving work without permission and any breach of the Indian Mines Act, or any other Act, or of any rules or by-laws thereunder or of Standing Orders.

12. Evidently as he returned only five cartridges but found in possession 20 detonators and 21 soligex and it was categorically proved by the statement of the co-employees recorded at the time of domestic enquiry, he cannot but be found guilty of misconduct under Clause 16(2) theft, fraud or dishonesty in connection with the Company's business or property. Standing order did not specifically lay down any procedure with regard to holding an enquiry etc. but Clause 13 deals with Termination of employment.

13. Thus in the absence of any provisions in the Standing Order and as he was removed in order for another show cause notice etc. I cannot even be said for a minute that the procedure followed by the Management in removing him is illegal or not correct. No other argument was advanced about the Enquiry Officer being lower in rank than the Assistant Manager etc. and no other evidence was adduced, especially by examining the Mining Sirdar that he instructed the workman to deposit these things in the Magazine section.

14. Thus on facts, there is not much to be discussed at all and in view of the categorical admission of the workman that he was found in possession of these things, he must explain how he came to possess these things, it is not possible to believe that 20 detonators and 21 soligex were simply missed by somebody there and out of sheer public spirit he was carrying them to return them. The workman's version cannot be believed at all in the circumstances.

15. Ofcourse in this connection, the learned Advocate for the workman placed reliance on a number of decisions. The learned Advocate for the management also contended, that if this Tribunal comes to a conclusion that the misconduct proved was of a very negligible nature, the management lost confidence and under any circumstances, he cannot be given re-employment. It was hotly contended by the Management, that taking the present day circumstances in Karimnagar District, committing theft of explosives is not a mere misconduct but misconduct of gravest nature and it requires the maximum punishment and maximum penalty and they also lost confidence in the employee. For this purpose she placed reliance on FRANCIS KIEIN & CO. (P) LTD. v. THEIR WORKMEN (1971) (1) Indian Factories Journal page 183). As this Tribunal is not holding that the workman not guilty of any misconduct, the situation will not arise for reconsideration. This decision need not be elaborately considered. Now it is evidence that a perusal of the facts, especially Ex. M3 explanation, Ex. M8 enquiry proceedings and Ex. M9 the enquiry report clearly go to show that the workman was guilty of misconduct and the charge sheet allegations were completely proved. The items involved are not ordinary things but detonators and soligex. They are highly dangerous explosives and evidently the workman wanted to meddle with them and wanted to smuggle them out and explanation that these were found left in the gunny bag out of sheer public spirit he wanted to hand them over at the Magazine cannot be believed at all.

16. In view of all these things it cannot but be held that the punishment meted out is fully justifiable in the circumstance it is not at all harsh and infact he must thank his stars for not being handed over to the Police with the allegation that he committed theft of explosives, exposing him for criminal proceedings.

17. Hence the action of the Management of M/s. Singareni Collieries Company Limited Area-I, Ramagundam Division, P.O. Godavarikhani, District Karimnagar (A.P.) in dismissing Sri Gaddala Lingaiah, Shot firer, GDK, I Incline,

from service w.e.f. 27-4-1983 is justified and he is not entitled to any relief.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 12th day of July, 1990.

K. TARANADH, Industrial Tribunal
[No. L-21012/83/87-D.II(B)]

APPENDIX OF EVIDENCE

Witnesses Examined for the Management : Witnesses Examined for the Workmen :

M.W.1 A. Venkateswarin W.W.1 G. Lingaiah

Documents marked for the Management

Ex. M1 Order dt 1-3-82 issued to A. Venkateswarlu by Colliery Manager, G.D.K. No. 1 Incline, S.C. Co. Ltd. to conduct enquiry against Gaddala Lingaiah

Ex. M2 Charge Sheet dt. 10-2-82 issued to Gaddala Lingaiah by the Colliery Manager, G.D.K. No. 1 Incline, S.C. Co. Ltd, Ramagundam Collieries.

Ex. M3 Explanation dt. 24-3-82 submitted by Gaddala Lingaiah to Colliery Manager, G.D.K. No. 1 Incline, Godavarikhani.

Ex. M4 Enquiry Notice dt. 23-3-82 issued to Gaddala Lingaiah by the Colliery Manager, G.D.K. No. 1 Incline.

Ex. M5 Enquiry notice dt. 1-4-82 issued to Gaddala Lingaiah by the Colliery Manager, Godavarikhani 1 Incline.

Ex. M6 Enquiry notice dt. 23-3-82 issued to Gaddala Lingaiah by the Colliery Manager, GDK No. 1 Incline.

Ex. M7 Enquiry Notice dt. 23-12-82 issued to Gaddala Lingaiah by the Colliery Manager, GDK No. 1

Ex. M8 Enquiry Proceedings.
Documents marked for the Workmen:

NIL

INDUSTRIAL

नई दिल्ली, 3 अगस्त, 1990

का. आ. 2251.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भानोरा कोलफील्ड लि. श्रीपुर एरिया आफ मै. ईस्टर्न कोल फील्ड लि. के प्रबन्धतंत्र के संबंध निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अगस्त 1990 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 3rd August, 1990

S.O. 2251.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhanora Colliery Sripur area of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL ASANSOL

Reference No. 7/89

PARTIES :

Employers in relation to the management of Bhanora Colliery Sripur Area of M/s. Eastern Coalfields Ltd.

AND

Their Workman.

APPEARANCES :

For the Employers—Sri P. K. Das, Advocate.

For the Workman—Sri C. D. Dwevedi, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 31st May, 1990.

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/(114)/88-D. IV(B), dated the 30th December, 1988.

SCHEDULE

"Whether the action of the Management of Bhanora Colliery, Sripur Area of M/s. E. C. Ltd. P. O. Charanpur, District Burdwan in removing Smt. Shanti Kahar, Casual Gagon Loader from service w.e.f. 23rd October, 1979, is justified? If not, to what relief the workman concerned is entitled and from what date?"

2. During the Pendency of the case, today (31st May, 1990) Sri C. D. Dwevedi, learned Advocate for the union filed a petition submitting therein that the concerned union is no longer interested to pursue the instant matter. In the petition the union has also prayed for a no dispute award in this case. Sri P. K. Das, learned Advocate representing the management has no objection in this regard.

3. Upon consideration of the petition and the submission of the parties, this Tribunal has no other alternative but to pass a 'no dispute' award and accordingly a 'no dispute' award is passed.

This is my award.

N. K. SAHA, Presiding Officer.
[No. L-22012/114/88-D. IV(B)]
RAJA LAL, Desk Officer.

नई दिल्ली, 1 अगस्त, 1990

का. आ. 2252.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ग्रेडर अर्थम लि., छत्तरपुर के प्रबन्धतंत्र के संबंध निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-90 को प्राप्त हुआ था।

New Delhi, the 1st August, 1990

S.O. 2252.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management

of Indian Rare Earths Ltd., Chatrapur and their workmen, which was received by the Central Government on 30-7-1990.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
Industrial Dispute Case No. 9 of 1989 (Central)

Dated, Bhubaneswar, the 23rd July, 1990

BETWEEN

The Management of Indian Rare Earths Ltd,
Chatrapur, Ganjam. ...First Party—Management.

AND

Their workmen represented
through Rare Earth Employees' Union
OSCOM Matikhalo,
Dist. : Ganjam. ...Second Party—Workmen.

APPEARANCES:

Sri S. K. Patra, Personnel Officer of
I.R.E. Ltd. ...For the First Party—Management.
Sri A. K. Choudhury, General Secretary
of the Union ...For the Second Party—Workmen.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), and by their Order No. L-29011/1/89-IR (Misc.) dated 31-3-1989 have referred for adjudication the following dispute by this Tribunal:—

"Whether the action of the management of I.R.E. Ltd., Chatrapur in refusing employment to S/Sri Arsula Swain, Chandrasekhar Sahoo and Balaji Rout, casual workers w.e.f. 29-6-88 to 31-8-88 and not paying them wages during the said period is justified? If not, what relief are the said workmen entitled to?"

2. It is the case of the second-party—workmen Arsul Swain, Chandrasekhar Sahu and Balaji Rout, as would be found from the statement of claim filed on their behalf that they were respectively employed as casual workers by the First Party with effect from 30-11-81, 12-1-84 and 20-1-84. Their respective position in the gradation list of casual workers maintained by the First Party—Management are 5, 37 and 39 and they enjoyed all the privileges as permanent employees of the First Party as per the Standing Orders of the company. The second party—workmen allege that all of a sudden, without assigning any reason the First Party—Management refused employment to them from 29-6-88 to 31-8-88. The above named three workmen, therefore, represented to the First Party—Management for giving them employment but there was no response from the Management until 1-9-88 when they were employed. According to the workmen, the refusal of employment to them by the Management for the period from 29-6-88 to 31-8-88 was illegal and unjustified and therefore, they are entitled to full back wages for the said period.

3. The First Party—Management in its written statement stated that casual workmen are engaged on day to day basis through time office depending on the requirement of the plant from out of a list maintained by the time office for such work. The three second party-workmen, namely, Arsul Swain, Chandrasekhar Sahu and Balaji Rout were, however, refused work by the First Party—Management from 29-6-88 on account of a police report to the effect that they were involved in criminal proceedings in connection with some violent incidents which took place inside the Plant premises on 8-6-88 but subsequently, on further consideration of the matter the Management allowed them to work pending disposal of the criminal proceedings against them in Court. Under such circumstance, the Management contended that the three workmen are not entitled to back wages for the period in question on the principle of "no work no pay".

4. The only question which arises for consideration in this proceeding is as to whether the First Party—Management was justified in refusing employment to the three second party-workmen on the ground of their involvement in criminal proceedings for some occurrence which took place within the Plant premises on 8-6-88 on the basis of a police report and

if the Management's above action was unjustified, whether the three workmen would be entitled to wages for the said period.

5. In this proceeding on behalf of the second party-workmen two witnesses were examined. W.W. 1 is one of the three workmen. He stated that the other workman Arsul Swain is working as an N.M.R. labourer in the Plant of the First Party continuous since 1981 and Chandrasekhar Sahu, the other workman is also working as an N.M.R. labourer in the Plant of the First Party since 1983. So far as he is concerned he stated that he is working under the First Party as an N.M.R. labourer continuously since 1982. He proved the employment certificates Exts. A, A/1 and A/2 to show that from the aforesaid years mentioned against each they have been working as N.M.R./casual labourers for several period. He stated that the job card number of the workman Arsul Swain is 5 and of Chandrasekhar Sahu is 37, while of his own is 39. He proved Ext. B, a true copy of the tripartite settlement in accordance with which the First Party employed casual workers on the basis of their respective seniority. He stated that the First Party—Management stopped giving employment to them with effect from 29-6-88 for no reasons, whatsoever and without serving on them any order to that effect. They enquired at the time office as to the reasons for which their employment had been stopped but nothing was told to them. Thereafter, they represented to the Management on this matter as per Ext. C, which is a copy of the said representation but they did not receive any reply. He also stated that for the period they were refused employment their juniors were employed as casual labourers. Subsequently, from 1-9-88 they were allowed to work under the First Party but then also they were not given any written order. W.W. 1 stated that under such circumstance they claim payment of back wages to them for the period they were kept under forced unemployment.

During his cross-examination he denied his knowledge about any occurrence which allegedly took place on 8-6-88 and also denied his knowledge about any police report against him. He, however, admitted that there was some criminal allegation against him about some occurrence for which there was also a criminal case against him. He also admitted that he had heard that some regular employees of the company had been charge sheeted in connection with some incident which took place on 8-6-88 and subsequently, suspension orders against them were revoked and they were allowed to join.

W.W. 2, an N.M.R. labourer of the First Party—Management stated that the three second party—Workmen were N.M.R. workers of the First Party company bearing job card Nos. 5, 37 and 39. He stated that the said three workmen were refused work during the period from 28-6-88 till 31-8-88 but he could not say for what reasons this action was taken by the Management. He stated that the Orissa Unit of I.R.E. Ltd. which is called the Orissa Sands Complex, has a certified Standing Orders and as per the said Standing Orders, casual workers are 'workmen' within the meaning of the Industrial Disputes Act. During his cross-examination he stated that he did not know if there was any trouble between two groups of workers within the I.R.E. plant premises on 8-6-88.

6. On behalf of the First Party—Management, also, two witnesses were examined and they are respectively the Security Officer and the Security Inspector of the First Party.

M.W. 1, Sri Amaresh Chandra Sarkar, who is the Security Officer stated that on perusal of the documents available he has come to know that on 8-6-88 there was some disturbance between two groups of workers within the premises of the I.R.E. Ltd. and he has further come to know that all the three second party—Workmen were involved in the said occurrence. He stated about a report submitted by the Officer Incharge of Chatrapur Police Station to the General Manager of the First Party about the involvement of the second party-workmen in the occurrence which took place on 8-6-88 and proved the certified copy of the First Information Report lodged by one R. N. Misra regarding the said incident, Ext. 1.

M.W. 1 stated that on the basis of the report received from the Police, the then General Manager Mr. Prasad intimated the security office that the above named three second party-workmen were not to be allowed inside the plant and accordingly, the security men prohibited the said three second

party-workmen from getting into the plant. During his cross-examination he admitted that he does not have any personal knowledge about any occurrence which took place in the I.R.E. premises on 8-6-88. He could not say what action was taken by the Police on the First Information Report, Ext. 1, lodged by Sri R. N. Misra. He admitted that he has not seen the original letter which the Officer In-charge of Chatrapur Police Station wrote to the General Manager of the First Party company nor he has seen the original written direction of the General Manager to the security department to prevent entry of the three second party-workmen to the plant premises. He could not say if the three second party-workmen were involved in the departmental enquiry which is proceeding against some workmen relating to the occurrence of 8-6-88. He could not say if the above named three workmen were informed the reasons for which their entry into the plant was banned.

The Security Inspector M.W. 2 stated that on 8-6-88 there was quarrel and disturbance between two groups of employees in the I.R.E. premises. In his examination-in-chief itself he stated that he has not seen the above named three second party-workmen involved in the said quarrel and disturbance. According to him, the police, however, reported on 28-6-88 that the three second party-workmen were involved in the occurrence which took place on 8-6-88. Basing on this report of the Police, the Security Inspector was instructed by the Management not to allow the above named three workmen inside the I.R.E. premises. According to him, from 29-6-88 the three workmen were not allowed to enter into the premises of the I.R.E. Ltd. and they were informed about the position and the said three workmen were again allowed to work in the I.R.E. Ltd. from 1-9-88.

During his cross-examination he stated that on 28-6-88, around 10 A.M., the Security Officer showed him the order of the Management prohibiting entry of the three second party workmen and some others into the I.R.E. premises. He could not say who were the other persons besides the three second party-workmen named in the Management's order prohibiting entry into the plant premises but he stated that besides the above named three persons none others were prevented from entering inside the I.R.E. premises. He categorically stated that the Security Officer instructed them to prevent entry of the above named three second party-workmen only and not others though names of others were mentioned in the order passed by the Management. He stated that the Management or the Security Officer did not give them any paper to be served on the above named three workers. According to him, as per the Standing Orders of the company, the casual workmen engaged by the Company are covered by the definition of 'workmen' and they are allowed casual leave, sick leave etc. as regular employees of the company.

The certified copy of the F.I.R. lodged by Sri R. N. Misra on 8-6-88 reveals that there was some sort of occurrence on 8-6-88 between two groups of workers belonging to two trade unions operating in the I.R.E. Ltd.

These are all the evidence adduced by the parties in this proceeding which clearly indicate that these three concerned second party-workmen were not refused employment on ground of non-availability of work but they were refused employment because a First Information Report was lodged at the Police Station alleging that they were involved in an occurrence within the premises of the I.R.E. Ltd. which can be said to be a sister-union feud. The evidence also disclose that these three workmen were singled out and were refused employment. The three second party-workmen admittedly were taken back to employment on 1-9-88, though, it is said, the criminal case against them is pending. What then was the necessity to prevent them from getting into the I.R.E. Ltd. premises to work and earn their livelihood?

It is the admitted case that no explanation was called for from these workmen for any alleged misconduct. No proceeding was taken up against them. They were not served with any order while they were refused employment. The reasons for which their entry into the premises of I.R.E. Ltd was prevented was not made known to them. All these facts clearly establish that there was no justification for the

Management to prevent the entry of the three second party-workmen inside the premises of the I.R.E. Ltd. with effect from 29-6-88 and to refused them work.

7. In the facts and circumstances of the case, I would hold that the action of the Management of M/s. Indian Rare Earth Ltd., Chatrapur in refusing employment to the above named three second party-workmen with effect from 29-6-88 to 31-8-88 and not paying them wages during the said period is quite unjustified.

The contention of the Management that these workmen are not entitled to wages for the period from 29-6-88 to 31-8-88 on the principle of 'no work no pay' is not acceptable on account of the fact that this was not a case in which these workmen voluntarily abstained from duty but it was a case of keeping them under forced unemployment.

In the circumstance, I would hold that the above named three second party-workmen are entitled to full wages, at the rate prevailing then, during the period from 29-6-88 to 31-8-88.

The reference is answered accordingly.

S. K. MISRA, Presiding Officer
[No. L-29011/1/89-IR (Misc.)]

नई दिल्ली, 6 अगस्त, 1990

का.अ. 2253.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्री दिग्विजय सीमेंट कं. लि., जामनगर के प्रबन्ध तंत्र के संबंध नियोक्तों और उनके कर्मचारों के बीच अनुसरण में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट का प्रकाशित करती है।

New Delhi, the 6th August, 1990

S.O. 2253.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Shree Digvijay Cement Co. Ltd., Jamnagar and their workmen.

ANNEXURE

BEFORE SHRI H. D. PANDYA, CENTRAL INDUSTRIAL TRIBUNAL, AHMEDABAD

Reference (ITC) No. 43/1987

Shree Digvijay Cement Co., Ltd., Jamnagar...First Party,
AND

Its workmen

Re : Non-payment of bonus at 20% to the temporary workmen working in the company.

1. The industrial dispute between Shree Digvijay Cement Co., Ltd., Jamnagar, and its workmen for non-payment of the Bonus at the rate of 20% to its temporary workmen shown in the annexure to the order has been entrusted to me for adjudication vide order No. 3/22/86-con/2[D-3(B)]D-11(A), dated 10-8-87, by the Central Government, whether the said action or fair.

2. During the course of hearing of this reference, the parties submitted purshis as per Exh. 13 and stated that as a result of compromise between the parties in the above matter, they do not want to proceed further with this reference and seek permission to withdraw the same. It does not appear objectionable to grant the said permission. I, hereby order as under:

ORDER

3. The Union is granted permission to withdraw the reference No. order is passed regarding cost.

H. D. PANDYA, Central Industrial Tribunal

[No. L-3/22/86-Con.II/D.III(E)]

V. K. SHARMA, Desk Officer

of Section 10 in consultation with the organisation of employees recognised by the Government for the purpose] for the entry against item 29, the following entry shall be substituted, namely:—

“Dr. Harsha Vardhan Gautam
Convener—ESI Cell,
Bhartiya Mazdoor Sangh,
25-Ibrahim Mansion,
Dr. Ambedkar Marg,
Parcel, BOMBAY-400012.

[No. U-16012(2)/90-SS.I]
A. K. BHATTARAI, Under Secy.

नई दिल्ली, 7 अगस्त, 1990

का.आ. 2254.—केन्द्रीय सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 की उपधारा (1) के खण्ड (फ) के अनुसरण में श्री राम भाऊ जोशी के स्थान पर डा. हर्ष वर्धन गौतम को चिकित्सा प्रमुखता परिपत्र में सदस्य के रूप में नियुक्त किया है,

अतः अब केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 की उपधारा (1) के अनुसरण में, भारत सरकार के श्रम मंत्रालय को अधिमूचना संख्या का.आ. 3455, दिनांक 17 मिनम्बर, 1986 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिमूचना में (केन्द्रीय सरकारों द्वारा कर्मचारियों की संस्थाओं जो, कि सरकार द्वारा इस कार्य के लिए मान्य है के परामर्श से धारा 10 की उपधारा (1) के खण्ड (फ) के अधीन नामनिर्दिष्ट) शीर्षक के नीचे मद् 29 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

डा. हर्ष वर्धन गौतम,
संयोजक
कर्मचारी राज्य बीमा कक्ष,
भारतीय मजदूर संघ
25-1 इब्राहिम मंशन, डा. अम्बेडकर मार्ग,
परेल, बम्बई-400012

[संख्या यू-16012(2)/90-एस.एस.-I]
अ. के. भट्टारै, अवर सचिव

New Delhi, the 7th August, 1990

S.O. 2254.—Whereas the Central Government has, in pursuance of the Employees' State Insurance Act, 1948 (34 of 1948), appointed Dr. Harsha Vardhan Gautam, as a member of the Medical Benefit Council in place of Shri Ram Bhau Joshi.

Now, therefore, in pursuance of sub-section (1) of Section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 3455 dated 17th September, 1986 namely:—

In the said notification under the heading “Nominated by the Central Government under clause (f) of sub-section (1)

नई दिल्ली, 7 अगस्त, 1990

का.आ. 2255.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स सेन्ट्रल कोलफील्ड्स लि. की स्वांग कोलियरी के प्रबन्धन में संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-90 को प्राप्त हुआ था ।

New Delhi, the 7th August, 1990

S.O. 2255.—In pursuance of section 17 of the I. D. Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure in the I. D. between the employers in relation to the management of Swang Colliery of M/s. Central Coalfields Ltd. and their workmen, which was received by the Central Government on the 27-7-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 12 of 1990

PARTIES :

Employers in relation to the management of Swang Colliery of M/s. C.C. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri R. S. Murthy, Advocate.

For the Workmen : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 19th July, 1990

AWARD

By Order No. L-20612/123/89-I.R. (Coal-I), dated the 10th January, 1990, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section

10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Sawang Colliery of C.C. Ltd., P.O. Sawang, District Giridih by not making payment of wages and other benefits as admissible under the rule to Shri Kechuwa Kumhar for the period from 6-4-85 to 21-1-86 is justified? If not, to what relief the workman is entitled?”

2. The reference of the present industrial dispute for adjudication was received in the office of this Tribunal on 15-1-90. Since neither the concerned workman nor the sponsoring union appeared and filed statement of claim as per direction of the appropriate Government, notice was issued to the sponsoring union on two occasions directing the union to appear and submit statement of claim. Despite receipt of the notice neither the concerned workman nor any representative of the sponsoring union appeared before this Tribunal and submitted statement of claim as directed. In the circumstances I have reason to believe that the concerned workman or his sponsoring union is not interested in pursuing the dispute. Hence, I am constrained to pass a ‘no dispute’ award in the present case.

This is my award.

S. K. MITRA, Presiding Officer.
[No. L-20012/123/89-IR(Coal.I)]
K. J. DYVA PRASAD, Desk Officer.

नई दिल्ली, 13 अगस्त, 1990

का.मा. 2256.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू बैंक आफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-90 को प्राप्त हुआ था।

New Delhi, the 13th August, 1990

S.O. 2256.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial dispute between the employers in relation to the New Bank of India and their workmen which was received by the Central Government on the 26th July, 1990.

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 23/87

In the matter of dispute between :

Shri D. K. Dung s/o late Sh. Dharam Chand,
Through The General Secretary,
New Bank of India Staff Union,
9-A, Connaught Place,
New Delhi.

Versus

The Executive Director,
New Bank of India,
1, Tolstoy Marg,
New Delhi.

APPEARANCES

Shri P. P. Trikha with the workman.
Shri Arjun Sikri for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/56/85-D.IV(A) dated 24th March, 1987 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of New Bank of India, Tolstoy Marg, New Delhi in withholding the post of clerk to Shri D. K. Dung, Pigmy Deposit Collector is justified? If not, to what relief the workman concerned is entitled?”

2. The workman in his statement of claim alleged that he was initially appointed at the New Bank of India, Paharganj branch as Pigmy Deposit Collector under Pigmy Deposit Rules as incorporated in the circular of bank No. Dev. 218/76 dated 1-12-78. The bank also started getting clerical work from him side by side in addition to his functions as Pigmy Collector. They started getting from him the work of clerk but the clerical wages were denied to him. He was not supposed to handle bank books but on the contrary the bank utilised his services as a regular clerk which fact stands revealed from the hand written documents of the workman from the bank record. The conduct and work of the workman was very satisfactory and he was performing the duties like a regular employee.

3. One Smt. H. Kohli, Pigmy Collector wrote to the Branch Manager on 29th December, 1980, seeking the permission of the Branch Manager that her clerical duties will be performed by Shri D. K. Dung workman and it was approved by the branch manager. Similarly another pigmy collector Shri R. P. Sabharwal also sought the permission of branch manager that his clerical work would be done by the present workman. A representation was made by the workman to the branch Manager who recommended to the Regional Manager vide his letter dated 8th March, 1980 recommending his case for favourable consideration. No order for regular appointment was issued. Hence he moved the conciliating officer and thereafter the present reference was made to this court by the Ministry of Labour.

4. The Management on the other hand alleged that no relationship of employer and employee existed between the parties and the claim of the workman was untenable, misconceived and without application of mind. Hence, liable to be rejected. There was only an agreement between the parties vide which the workman was to make collections from different people and deposit the same with the bank for which commission on the basis of percentage was to be paid to him. He was not on the regular employment of the bank and was to do his job according to his convenience and that of the parties from where he used to

make the collections. The making of any entry in the record in his own hand was simply a consequential act to ensure that the deposits collected by him were correctly entered in the name of the party and there was no question of his being given the job of a clerk which could be given on certain conditions like fulfilling of qualifications and passing through particular test and interview. There could be no direct recruitment of any person as a clerk in the bank and without following that procedure the workman could not claim on the basis of his specific contractual job, the job of the clerk.

5. Parties led evidence in this case. The Management produced Shri C. K. Gupta MW1 while the workman himself appeared as MW1.

6. I have heard the representative for the parties and gone through the record.

7. The representative for the Management has urged before me that the reference made as such was not tenable and deserves reply that the workman was not entitled to the post of clerk and the Management was fully justified in not offering him any such job. He has urged that the applicant was engaged by the Bank at Paharganj Branch as Pigmy Deposit Collector/Commission Agent as per terms and conditions settled in the agreement executed between the bank and applicant and these contained in the Bank's Pigmy Deposit Scheme. There is no relationship of employer and employee and/or master and servant between the bank and the applicant. The applicant's function as the very name indicate is a commission agent and draws commission on the account canvassed and procured by him. Pigmy Deposit Collector Scheme in which the applicant is engaged provides for payment of commission at the prescribed rate on the deposit collected by such Pigmy Deposit Collector. In fact the very essence of contract is that the collection of small deposit will be made at door-step of the depositors who need not incur any trouble to go over to the bank to make deposits. This is the very purpose for which the applicant like other Pigmy Deposit Collector is being paid commission which is the percentage of the amount of deposits canvassed and brought by him. Thus, the applicant cannot be treated as employee of the bank and there was never any intention to do so.

8. Besides the bank does not exercise any control over the movement of the applicant at any time as he is neither subjected to normal working hours nor the conduct and discipline of the bank. Moreover, the agreement between the bank and the applicant does not prohibit the applicant from earning money by way of any other occupation, but with a view to protect the interest of the bank, a restriction has been imposed in the agreement that he will not engage himself in any similar type of service to any other financial institution. The statement submitted by the applicant of the deposits handed over by him to the bank is also attested by Officer of the Bank and its verification is done only to safeguard the bank's interest. The amounts collected by the applicant has to be necessarily deposited in the bank to the credit of concerned depositor, failing which the co-relation between the amount received and deposit holder will become impossible. In the pro-

cess of verification of the amount collected by him, the applicant is under obligation to see that the collection are made from the deposit holders and remitted to the bank without fail on day-to-day basis for credit to the respective accounts. It is stated that the bank never violated the rules of Pigmy Deposit Scheme and stated getting clerical work from the applicant side-by-side. The applicant has never done the clerical work more than what is necessary for achieving purpose of collection on daily deposit and remitting the same to the bank and the same cannot be called as clerical work. Letter dated 31-8-1977 for engaging the applicant as Pigmy Deposit Collector is exhibit as MW1/1. Agreement dated 8-9-1987 is Ext. MW1/2, bond executed by the applicant dated 8-9-1987 is Ext. MW1/3. It is submitted that the bank has its Pigmy Deposit Scheme from time to time and last such scheme dated 2-1-1983 and 30-7-1983 is Ext. MW1/4 and MW1/5. The rules governing the Pigmy Deposit Scheme are Ext. MW1/6.

9. The aforesaid documents would clearly show the nature of engagement of the applicant who has been merely appointed as an Agent of the Bank to collect deposits from the customer and on that he is paid the commission. There is neither any salary paid to him nor he is governed by any rules and regulations of the bank or bipartite settlement or Awards. Such a person therefore, cannot be called employee/workman of the Bank.

10. In addition, Section 10 of the Banking Regulation Act, 1969 prohibits a Banking Company (all the 47 Banks are Banking Companies coming under the Act) from employing any person on the basis of remuneration by way of Commission. The Bank could not act in contravention of the said provision and the employees working in the banks are not remunerated on the basis of Commission. At no time the question of treating Commission Agents/Deposit Collectors as employees of the Bank arose as there is a prohibition under the Banking Regulation Act for the payment of Commission to a regular employee. From the very inception they were appointed as Commission Agents under a specific written contract, governing their conduct, conditions and obligations and payments and, therefore, they can never be treated as workman. The Schemes of Daily Deposits introduced in the Banks were with the idea of motivating small savings in the general public and to enable the small saving depositors to make their deposit at the door step. Thus, these Commission Agents/Deposit Collectors were appointed. The Supreme Court has laid down in many cases that persons engaged to promote the business of sales of employers do not fall within the definition of workman as per the provisions of the Industrial Disputes Act. In any case these Commission Agents/Deposit Collectors would not be workmen entitled to protection and benefits of the I.D. Act 1947 including the reference made by the Government of India for adjudication to this Tribunal. The representative has further urged that the workman was neither marking his attendance in the attendance register, nor any prescribed timing and working hours were fixed no salary was being paid and he could even substitute any other person for collection without prior permission and as such was not under the

control of the Management. The 1d. representative has thus urged that the workman can not be absorbed as a clerk in the bank.

11. The representative for the workman on the other hand as urged that the job of the Pigmy Depositor was that of regular cashier of the bank and as such he was a workman and the Management had in contravention of the agreement exploited the services of the workmen by entrusting him the duties of the clerk over and above the duties of his Pigmy Collector. The workman had requested the branch Manager so many times to pay him wages since his services were being utilised as clerk but the Branch Manager verbally advised him not to claim wages as otherwise his services would be discontinued with. He has further urged that the workman Shri Dung has produced various documents shown as Annexure to the statement of claim which goes to indicate that he was daily asked to write long books, day books, post ledger, Pigmy balance book and pigmy collection register. The above duties are to be discharged by the regular employees of the bank. The bank witness Shri D. K. Gupta, Sr. Manager in his deposition dated 17-3-1988 and 4-4-1989 has stated that under the agreement between Mr. Dung and the bank, the workman was not supposed to write balance book. Shri D. K. Gupta while deposing before this Court refused to confirm various documents being hand written of workman but when Shri D. K. Gupta was recalled for further cross-examination he confirmed that exhibit M-1 to M-2 and O-1 to O-25 and N-1 to M-22 (now read as W-75 to W-122) are written by workman concerned and he also confirmed the checking part of it. He further admitted that some of the entries have been checked by him. Shri O. K. Gupta was inconsistent in his statement by saying that these books of accounts were not supposed to be handled during working hours. The 1d. representative has further urged that certificate was issued by the branch Manager acknowledging the workman and conduct of the employee as satisfactory. The document itself confirms that the workman was performing the other routine duties of the bank to the satisfaction of the Management. The fact that he had undertaken to perform the duties of another Pigmy Collector Mrs. H. Kohli and Shri R. P. Sabherwal that the approval of the branch manager shows that he was performing the clerical duties by making entries in the record of the bank and as such was entitled to the wages of a clerk.

12. The 1d. representative has further referred to the case of Silver Jubilee Tailoring House & Ors. Vs. Chief Inspector of Shops & Establishment & Ors. decided on September 25, 1973 in Civil Appeal No. 1706/69 that the workers are not obliged to work for the whole day in the shops nor was it obligatory. There was of course no reason why a person who was only employee part time could not be a servant and it was doubtful whether regular time part time service could be considered even prima facie to suggest anything other than a contract of service.

13. He has also referred to an Industrial Tribunal Hyderabad judgment in I.D. No. 14 of 1980 dated 22nd December, 1988 in a similar case of deposit Collector referred to by the Government of India,

Ministry of Labour, adjudicating 37 cases of different banks. It was maintained in that award that the job of Janta Depositor is to collect Cash from customer of the bank as such they were doing identical job which their permanent employees were doing. Hence they were workmen and it was directed that all such persons be given chance to be a bank employee by holding test and interview. In the instant case, however, the representative has urged that the workmen could not be asked to go in for any test or interview because he was already performing those duties and as such was directly to be appointed to be given the job of a clerk because he had been performing such duties since long. He has thus urged that the award be made in his favour.

14. After having gone through the points urged before me by the representative for the parties I find force in the contention made by the representative for the Management. There is no dispute to the fact that there was a separate agreement between the workman and the Management to collect the amounts through different persons and deposit the same during his spare time. A perusal of the terms of the agreement will reveal the following points :

- (i) That the applicant can appoint a substitute during his period of absence for collecting deposits from the deposits holder and depositing the same with the Bank for which he will continue to be paid commission.
- (ii) There is no age restriction for the appointment of a Deposit Collector. Retired Government servants, housewives and any person who knows the locality and the region are entitled to be appointed as Deposit Collectors which is not so in the case of a Bank employee.
- (iii) None of the social legislation Acts apply to the Deposit Collector like Bonus Act, Gratuity Act, Minimum Wages Act, Payment of Wages Act, Workman's Compensation Act, Provident Fund Act, Employees State Insurance Act etc.
- (iv) The Deposit Collector is governed by the terms and conditions of the agreements and the Rules of the Scheme are applicable to him.
- (v) The Deposit Collector is not controlled in the nature of his work in as much as there is no scope for obedience of the Bank's orders from time to time.
- (vi) The applicant is engaged to do a certain work and he is to exercise his own discretion as to the mode and time of doing it (1955 SC 404).
- (vii) The Banks do not prohibit or prescribe the applicant/deposit collector and the end of his work nor there is any direction as to the means of his work nor any retention of power of controlling his work.
- (viii) The Bank has no power to direct what the Deposit collector is to do nor the manner in which the work is to be done.

(ix) The applicant is an Agent bound to exercise his authority in accordance with the terms of the Agreement by the Principal Bank and he is not subject to the direct control and supervision of the principal.

(x) The distinguishing factor under the terms of the Agreement is that the applicant is told of the work he has to do but none of the terms of the Agreement shows that the Banks have retained the right to direct how the work of collections is to be done. (1955 1 SCR 393(1956) SC 149).

(xi) It is relevant to note that the consideration of the object of the Agreement is to collect tiny deposit which is a lawful and laudable object and not against public policy violative of Section 23 of the Contract Act."

15. A perusal of the above points clearly show that there was an agreement between the parties and the workman D. K. Dung was to act under terms and conditions of the said agreement. By working on contractual basis he could not acquire a right to be appointed as a clerk. A clerk has to fulfil certain qualifications before his appointment. He is supposed to possess some minimum qualifications as required by the recruitment rules, there is a restriction of age and a selection process has to be undergone which sometimes includes written test and interview. In the absence of the said procedure no person could be given the job of a clerk by his merely having entered and made few entries in his own hand in the bank record. He had as much no legal right to do so and to get this job. The workman Mr. Dung in this case was not even appointed on ad-hoc basis and was merely a Pigmy Depositor and his case was worse than the case of ad-hoc employees who even was supposed to undergo some selection process and was absorbed on regular job only on completion of the selection process. The workman Mr. Dung in this case if he did the work of Smt. H. Kohli and R. P. Sabherwal with the approval of the Branch Manager that would not in anyway make him entitled to be appointed as a clerk. They were both Pigmy Deposit Collectors and one Pigmy Deposit Collector could entrust his job to any other person even without the consent of the branch manager. If that was done in this case even with the consent of the branch manager that does not entitle Mr. Dung to be appointed as a clerk. Such agents as Mr. Dung is/are not governed by any social or Labour legislation like payment of wages Act, payment of Bonus Act, Shops and Establishments Act, Provident Fund Act, ESI Act, or at any disciplinary rule and regulations. There is no restriction on the movement or activity of such collector and the work done by them like making entries in the record of the bank were only incidental to their agreement. The recommendation of the Regional Manager was of no assistance to the applicant and he had only recommended that he may be considered for regular absorption in the bank. It was merely recommendation for favourable consideration which does not create any right. Even the

award in industrial dispute No. 14/80 by the Industrial Tribunal Hyderabad has laid down that such collectors were required to pass a test before they could be considered for regular absorption. There is no legal right shown or proved in this case by Mr. D. K. Dung to the satisfaction of this Tribunal to the effect that he was entitled to the job of a clerk from the Management. The withholding of such post by the Management was therefore, fully justified. Parties are left to bear their own costs.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central government for necessary action at their end.

31st May, 1990.

GANPAT SHARMA, Presiding Officer
[No. L-12612/56/85-D.IV(A)]

का.आ. 2257.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचना में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धन के संबंध में निर्यात के कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. II, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-90 को प्राप्त हुआ था।

S.O. 2257.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2 Dhanbad as shown in the Annexure in the Industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government on the 30-7-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 23 of 1989

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act., 1947.

Employers in relation to the management of Allahabad Bank and their workmen.

APPEARANCES :

On behalf of the workmen—Shri Arun Kumar, General Secretary, Bihar State Allahabad Bank Employees Union.

On behalf of the employers—Sri M. S. Rai Shastri, Asstt. General Manager.

STATE : Bihar.

INDUSTRY : Banking.

Dated, Dhanbad, the 20th July, 1990

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/149/87-D.II(A), dated, the 1st November, 1989.

SCHEDULE

"Whether the action of the management of Allahabad Bank in terminating the services of Shri K. K. Rao is justified? If not, to what relief is the workman entitled?"

After the parties filed their respective W. S. etc. the case was fixed for evidence. Thereafter both the parties appeared and filed a petition stating therein that the union and the management of the Bank have amicably resolved the dispute and now no dispute exists between them regarding the dispute in the reference and they prayed that a no dispute award be passed in the case.

It appears from the petition of the parties that they have settled the matter outside the Tribunal and there is no dispute existing between them, and as such a "No dispute" Award is passed.

I. N. SINHA, Presiding Officer
[No. L-12012/149/87-D. II (A)]

का.आ. 2258.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की भाग 17 के अनुसूचन में, केन्द्रीय सरकार युनियन बैंक ऑफ इंडिया के प्रवर्धन के संबंध में निदेशकों और कर्मचारियों के बीच, अनुसूचन में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को एकाग्रित करती है, जो केन्द्रीय सरकार को 30-7-90 को प्राप्त हुआ था।

S.O. 2258.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Union Bank of India and their workmen, which was received by the Central Government on the 30-7-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 147 of 1988

In the matter of dispute between:

Shri O. P. Mishra
Assistant General Secretary
Union Bank Employees Union
120/459 Lajpat Nagar
Kanpur-208005.

AND

Regional Manager
Union Bank of India
117/H-1/240 Pandu Nagar
Kanpur-208005.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/285/88-D. 2(A), dated 2-11-1988, has referred the following dispute for adjudication to this Tribunal:

Whether the action of the management of Union Bank of India in stopping four cumulative increments of Shri D. K. Mishra, is justified? If not, to what relief is the workman entitled?

2. The admitted facts of the case are that Sh. D. K. Mishra, clerk cum cashier Sarvodaya Nagar Branch of the Union Bank of India was served with a charge sheet dated 2-11-1981, the relevant portion of which reads as under:—

On 6th July, 1981 Sarvodaya Nagar Branch remitted a sum of Rs. 7.39 lacs to Kanpur main Branch in a taxi accompanied by Sh. Shiv Kumar Gupta, Cash Peon and Sh. Ganpat Ram, Armed Guard. It was reported that since Sh. D. K. Mishra, Cashier had left for Reserve Bank of India, he could not accompany the said remittance. The cash when received at Kanpur Main Branch, it was observed by

Sh. G.K. Rastogi, Head Shroff that there was a shortage of Rs. 40,000 (4 packets of Rs. 100 denomination each) in the cash box. On checking up with Sarvodaya Nagar Branch it was informed that these packets were inadvertently left out in the cash safe at the time of remittance. Shri D.K. Mishra, Cashier Sarvodaya Nagar Branch, who then reached Kanpur Main Branch chose to go to the Branch alone without the escort of watchman and collect Rs. 40,000. He then collected Rs. 40000 (4 packets of Rs. 100 denomination each) from the branch and went back to Kanpur Main Branch & deposited the same with them. The said cash also was received by the Head Shroff Sh. G.K. Rastogi, Kanpur Main Branch bearing the signature/initials of the Head Shroff Sh. M. N. Mishra of Sarvodaya Nagar Branch. At the time of closing the cash of the Kanpur Main Branch, Sh. Rustogi noticed that 2 packets were less thicker, which were brought by Sh. D. K. Mishra subsequently. These packets were therefore, counted piece by piece and it was found that 2 packets were less by 20 notes each of Rs. 100 denomination, which aggregated to Rs. 4000. The shortage was immediately reported by Shri Rustogi to Shri K. K. Aurawal, Branch Manager Sarvodaya Nagar Branch, who with his Accountant Sh. S. K. Shukla, Head Shroff, Sh. M. N. Mishra and Cashier Sh. D. K. Mishra came to Kanpur Main Branch and on their verification found that there was a shortage of 20 notes each of Rs. 100 denomination in 2 of the packets remitted by them Sh. D. K. Mishra was thereafter questioned to this effect by Head Shroff of Sarvodaya Nagar Branch on which Sh. Mishra voluntarily reimbursed the amount of Rs. 4000 taking the same from Shri S. K. Gupta, Cash Peon of Sarvodaya Nagar Branch immediately. The above acts and omission on the part of Shri D. K. Mishra constituted the following gross misconduct and he is hereby charged of the same:

Gross Misconducts:

The second charge served through supplementary charge sheet dated 16-1-82, is reproduced at page 5 of this award.

(1) Doing acts prejudicial to the interest of the Bank likely to involve the Bank in serious monetary loss.

(2) Misappropriation of Bank's money.

Shri Mishra pleaded not guilty to the above charges. The departmental inquiry was conducted by Sh. S. M. Haq who was also the Disciplinary Authority. After considering the evidence led before him by the parties Sh. Haq found Sh. Mishra guilty of the two charges. Findings were given by him on 8-6-83. Sh. Haq, also served Sh. Mishra with a notice to show cause why he should not be awarded the punishment of dismissal from service of the bank without notice. After giving Sh. Mishra, a personal hearing Sh. Haq by means of his order dt. 22-7-83, confirmed the said notice and dismissed him from service of the Bank without notice. Against the order of punishment, Sh. Mishra filed appeal. The A.G.M. who was appellate authority by means of his order dt. 28-10-83, modified the order of punishment and reduced it to stoppage of 4 annual increments with cumulative effect.

3. The workmen's case is that the inquiry was not conducted fairly and properly. He was not given full opportunity of defending himself. The findings were not based on evidence. It was almost an ex parte inquiry conducted with malice against him. It is also alleged by him that in connection with the filing of appeal he was pressurised to write that he accepted his guilt. He has, therefore, prayed that the order of punishment be set aside and that the management be directed to pay him full wages of the suspension period with interest.

4. The management plead in defence that the inquiry was conducted fairly and properly and that the workman was given full opportunity to defend himself. They deny that the inquiry proceedings are vitiated on any count as alleged by the workman. The workman himself had voluntarily accepted his guilt. The appeal preferred before the Appellate Authority was filed on compassionate grounds. It was

only on compassionate grounds and on the undertaking given by the workman that he would not give any cause for grievance in future that the order of punishment was modified by the Appellate Authority and reduced to stoppage of 4 annual increments with cumulative effect.

5. Nothing new has been alleged by the workman in his rejoinder.

6. In support of his case, the workman has filed his own affidavit and a few documents. In the other hand the management in support of their case, have filed the affidavit of Shri S. N. Mehra, Personnel Officer, and a few documents. On 4-5-1990, which was the date fixed for cross examination of the management witness, an application was moved on behalf of the workman that the workman simply challenges the order of punishment on the ground that the findings given by the E. O. (Disciplinary Authority) and confirmed by the Appellate Authority are not based on evidence; and that they are perverse. The other ground which was given in the application was that the punishment awarded was too harsh. It was stated in the application that the workman does not challenge the order of punishment on any other ground. It was further specifically stated that the proceedings of inquiry were conducted fairly and properly. Because of the said application there could not be any cross examination of the management witness. Rather date for hearing arguments came to be fixed.

7. It thus becomes clear that the workman/Union does not challenge the fairness of the enquiry proceedings i.e. to say it is admitted to the workman/Union that the Departmental Inquiry against the workman was conducted fairly and properly in accordance with the principles of natural justice. The two points which need examination are—

1. Whether the findings are perverse.

2. Whether the order of punishment is harsh.

Point No. 1 :

8. On this point I have heard the authorised representative of the parties at length and have gone through the inquiry proceedings, the findings given by the Disciplinary Authority and the order of appellate authority confirming the said punishment. I have not come across anything from which I may hold that the findings are in the least perverse. In fact I find that the disciplinary authority has very ably examined evidence and brought out circumstances pointing out to the guilt of the workman with regard to the two charges. Although these findings are not to be examined by the Tribunal as a court of appeal, but even if these findings are examined by the Tribunal as a court of appeal, the Tribunal would not arrive at different findings. The circumstances brought out by the E.O. on the basis of evidence are that in spite of clear instructions given to Shri Mishra by R. R. Agrawal, Branch Manager, Sarvodaya Nagar Branch to correct the branch advise when it was found that there was a shortage of Rs. 4000. Shri Mishra came to the branch to collect the amount; that despite the fact that Shri Mishra came to collect the money at about 1.15/1.30 p.m. and left the branch soon after, he reached the main branch some time between 3.15 p.m. and 3.30 p.m. i.e. with unusual delay; that Shri Mishra voluntarily deposited the amount without any hitch whereas his other companion Shri M. N. Mishra was all the time not agreeing to deposit any amount to make good the shortage on the ground that he had not taken any money; that Shri Mishra was in the habit of borrowing money and this fact was confirmed even by Shri S. K. Gupta, peon whom Shri Mishra examined in defence. From the evidence it also comes out that out of the 4 bundles all collected by Shri Mishra from his branch 2 bundles which he deposited at the main branch along with the other two bundles were different. It further comes out that there was tampering in the two bundles in each of which 20 notes of Rs. 100 were found less; that there was a tampering was also admitted by Shri Mishra as will be evident from page 7 of the findings of the E.O. Not only that in his mercy petition dated 2-8-83, copy of which has been filed by him Shri Mishra with the claim statement it was written by him that it was not his intention to cheat the bank. It was only because of the circumstances beyond his control that such a misconduct had taken place. In the end he wrote that mercy be shown to him taking into account his family, his younger sister whose marriage has been fixed. The workman has also filed with the claim statement copy of order dated 28-10-83 of AGM of the Appellate Authority. From the order it appears that he was given

a personal hearing by the Appellate Authority. At one place the Appellate Authority writes that during personal hearing Shri Mishra once again assured him that he (Shri Mishra) would not give any cause for complaint in future. It is very easy now to say that such things were got written from him under pressure, but I am not prepared to believe. The question is what he did after the passing of the order dated 28-10-83. Did he contradict the facts which are found stated in the order of appellate authority and which are found stated in mercy petition dated 2-8-1983. There is no evidence that he even contradicted those facts soon after that.

9. The workman was further served with a supplementary chargesheet dated 16th January, 1982 which reads as under :

Shri Mishra has got his brother owing, M/s. Narain Photo Copy Centre an advance of Rs. 13000 sanctioned by the branch manager, Sarvodaya Nagar, Kanpur Branch under DMOP for the purchase of one Photostat machine without disclosing that his said brother has already availed a loan from Bank of Baroda for purchase of one such machine where Shri D. K. Mishra is a guarantor. The present outstanding in the said loan account maintained with branch is Rs. 12101.10.

The above acts and omissions on the part of Shri Mishra constitute the following misconduct and he is hereby charged with the same ;

Doing act prejudicial to the interest of the bank likely to involve the bank in monetary loss.

10. The second charge also fully stands established. He was a guarantor for the loan which he got advanced to his brother from his own bank and later on again became a guarantor in respect of the loan taken by his brother from Bank of Baroda. The facts are undisputed. Naturally therefore it was his duty to have informed his bank about the additional liability which his brother incurred while taking a further loan from Bank of Baroda.

11. The findings thus appear to me to be very sound and based on legal evidence. Therefore, I find no substance in the plea raised by the workman/Union that the findings are perverse. Point No. 1 is decided accordingly.

Point No. 2 :

11. Looking to the nature of proved misconduct of Shri Mishra it cannot be said that modified punishment of stoppage of 4 annual increments with cumulative effect is in any way harsh. If bank employees start taking out money in this manner no employee of the bank will have faith on the representation of the other employee of the bank. This will result in chaos in the banking industry. Already much consideration has been shown by the Appellate Authority to Shri Mishra, no further interference in the modified order of punishment is called for. The point No. 2 is decided accordingly.

12. In view of the above findings it is held that the action of the management of Union Bank of India in stopping 4 annual increments with cumulative effect of Shri D. K. Mishra Clerk-cum-cashier is justified. Consequently, Shri Mishra is entitled to no relief.

13. The reference is answered accordingly.

Dated : 20-7-1990.

ARJAN DEV, Presiding Officer
[No. L-12012/285/88-D, II (A)]

का.आ. 2259.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्र बैंक के प्रबन्धन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-7-90 को प्राप्त हुआ था।

S.O. 2259.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government

Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the Canara Bank and their workmen, which was referred by the Central Government on 31-7-1990.

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESID-
ING OFFICER : CENTRAL GOVT. INDUSTRIAL
TRIBUNAL : NEW DELHI

I. D. No. 22/87

In the matter of dispute between .

Shri Kuldeep Sharma, Ex-Employee of the
erstwhile Laxmi Commercial Bank Ltd.
D-636, Mandhir Marg, Gole Market, New
Delhi-110001.

Versus

The Assistant General Manager, Canara Bank,
Circle Office, Marshall House, Hanuman
Road, Parliament Street, New Delhi.

APPEARANCES :

Shri P. P. Trikha—for the workman

Shri N. C. Sikri—for the Management.

AWARD

The Central Government in the Ministry of La-
bour vide its Order No. L-12012/100/86-D.II(A)
dated 24th March, 1987 has referred the following
industrial dispute to this Tribunal for adjudication .

“Whether the action of the management of the
then Laxmi Commercial Bank, since merg-
ed with Canara Bank, New Delhi in termi-
nating the services of Shri Kuldeep Sharma,
Peon-cum-Chowkidar w.e.f. 1-5-85 is
justified ? If not, to what relief is the work-
man concerned entitled ?”

2. In the statement of claim it was alleged by the
workman that he was appointed on six months pro-
bation as Peon-cum-Chowkidar by the erstwhile
Laxmi Commercial Bank Limited vide their letter
dated 26-4-85 at Personnel Department Head Office
Kamal Cinema building New Delhi. The Chief Per-
sonnel Manager vide his letter No. Estt. RLS : 849
dated 1633/85 dated 1-5-85 informed the workman
that his appointment has not been approved by the
Board of Directors. The Contract of Labour was here-
by terminated with immediate effect. This order of
the Management was illegal and unjustified. There-
after the workman served a demand notice to the
Management claiming his reinstatement and aggrieved
and dis-satisfied with the Order of the Chief
Personnel Manager the workman was left with no
alternative but to move the conciliation machinery
as provided under the law. No conciliation could
mature and the dispute was thus referred to this
court for adjudication.

3. The Management in its reply alleged that it
was a matter of record and rather public notice that
the erstwhile Laxmi Commercial Bank Limited was
placed under moratorium by notification dated
27-4-1985 by Ministry of Finance and that the
2155 GI/90—8

order of moratorium was withdrawn on 23-8-85.
Pursuant thereto Laxmi Commercial Bank Limited
which was a company under the Companies Act in
Private Sector was amalgamated with the answering
Canara Bank w.e.f. 24th August, 1985 as the spe-
cified date in terms of the Scheme of Amalgamation
duly published in the Gazette of India.

3(a). The appointment of Mr. Sharma vide letter
dated 26-4-1985 and his contract of employment
was determined w.e.f. 1-5-1985 by the erstwhile
Laxmi Commercial Bank Limited on the ground
that his appointment was not authorised. The con-
tract had been determined by the erstwhile Laxmi
Commercial Bank Limited w.e.f. 1-5-1985 i.e. before
the amalgamation of the said bank with the answer-
ing bank by paying one month's pay in lieu of notice
by the erstwhile Laxmi Commercial Bank Ltd. As
such on the specified date of 24-8-85 there was no
relationship of Master and Servant between the
erstwhile Laxmi Commercial Bank and the claim-
ant. The said date 24-8-1985 has been prescribed
by the Central Government in relation to the scheme.
The reference is misconceived and untenable and
the claimant has no legal right. There was no
liability or obligation of the answering bank under
the scheme of amalgamation which is a special pro-
vision base upon public policy in view of the fact
that the erstwhile Laxmi Commercial Bank Limited
is no longer in existence Termination of Mr.
Kuldeep Sharma. Peon-cum-Chowkidar was there-
fore, fully justified and he was not entitled to any
relief from the Canara Bank.

4. The Management in support of its evidence
produced Shri R. L. Sharma, MW1 while the work-
man Mr. Kuldeep Sharma himself appeared as WW1
in support of his case.

5. I have heard the representative for the parties
and have gone through the record.

6. It has been urged by the representative for the
management that the erstwhile Charman of the
Laxmi Commercial Bank Limited who was the ap-
pointing authority in the instant case had in fact no
right or power to make any appointment in view of
the erstwhile Laxmi Commercial Bank Ltd. Boards
Resolution dated 18th April, 1985 read with reso-
lution dated 29th April, 1985 which have been up-
held as valid and proper by the judgments of the
Madras Courts and upheld by the Hon'ble Madras
High Court. His appointment being invalid,
illegal and unauthorised he was not entitled to any
relief even not the salary and notice pay whereas the
bank in furtherance of its fairplay has paid him one
month salary. The application for appointment was
directly addressed to Chairman who passed the fol-
lowing order thereon :

“Appointment as a Peon-cum-Chowkidar, G.M.
to issue letter of appointment.” (Ext.
MW1/9).

Initial

25/4”

The Ld. representative for the Management has
urged that these points are admitted facts but the
board of directors on its meeting on 18-4-1985 and
29-4-1985 had withdrawn all powers of the chair-

man Paramjit Singh to make any appointment/promotion and accordingly all such Promotions made thereafter were illegal, unjust and void. The Id. representative has referred to a judgment of the Madras High Court passed in case of one Mr. Puri. The Hon'ble High Court has in that case held that the impugned order was passed by the person with the authority to pass the said order and later the Board of Directors had cancelled it and set right the wrong done by that person. In the said case the Hon'ble High Court had held that Paramjit Singh had no authority in view of the two resolutions to make any appointment or promotion and the authority had been withdrawn and the appointment and the promotion made by him during that period were void ab-initio. Present appointment was also made by Paramjit Singh during the said period which had been withdrawn and as such the Management was justified in terminating the services of Shri Kuldip Sharma.

7. The Id. representative for the workman on the other hand has alleged that the ground mentioned in the termination letter was not only vague but arbitrary void-ab-initio and could not be sustained in the eyes of the law. The appointment of the workman was not subject to approval by the board of directors by the bank and the whole exercise of the bank was fishy and colourable. When he was appointed for a period of six months his work and conduct should have been watched for a period of six months and if he was not found satisfactory then any action could be taken against him. The appointment of the workman was done before the bank was declared under moratorium on 27-4-85. Clause 10 of page 10 in part section 3(ii) of the Gazette of India, New Delhi dated 23-8-85 is as under :

"All the employees of the transferor bank other than those specified in the schedule referred to in the succeeding paragraph shall continue in service and be deemed to have been appointed by the transferee bank at the same remuneration and on the same terms and conditions of service as were applicable to such employees immediately before the close of business on 27th April, 1985".

The workman in this case had joined on 26th April and was governed and protected and could not be terminated as provided in the scheme of Moratorium itself. The Id. representative has further urged that the Supreme Court of India in the case of various employees of Laxmi Commercial Bank who were terminated and were not allowed to join Canara Bank had decided in their favour and also it was against the principles of natural justice and the ruling was given against the Management of the bank for not taking the employees on job. The scheme of moratorium did not provide that the fate of the probationer should be decided by board of directors and the board of director would flout all norms of natural justice. The contract of service came into existence with the appointment of the workman on 26-4-1985 while the moratorium date is 27-4-1984. The action of the employer in the

circumstances, therefore, was not valid and justified. The workman, therefore, was entitled to be reinstated and his termination was illegal.

8. On perusal of the arguments addressed by the representative for the parties and the evidence produced before me, I am of the opinion that the Laxmi Commercial Bank Limited, New Delhi was merged with the Canara Bank by Government of India Extra Ordinary Gazette Notification dated 23rd August, 1985. The workman Kuldip Sharma vide his application a copy of which is Ex. MW 1/9 was appointed by the chairman Paramjit Singh as Peon-cum-Chewkidar on 25-4-85 according to the resolution Ex. M5 all new appointments made in the bank in any cadre by any officer including the Chairman on or after 18th April, 1985 were hereby cancelled/terminated with immediate effect. The Chairman thus on 25th April, 1985 when he passed the order of appointment of Kuldip Sharma had no such power because the chairman acts on behalf of the entire Board of Directors. Since the board of Director had resolved that all appointments made by any officer including the Chairman after 18th April, 1985 were to be cancelled and terminated so the appointment of the workman was also void ab initio. The appointment of the workman was on probation for a period of six months and during the period of probation his services could be terminated in any time by giving him proper notice. In lieu of the said notice one month salary as admitted by the workman himself was paid to him vide memorandum Ex. MW1/1 amounting to Rs. 1040/15p. The Board of Directors according to the resolution dated 18-4-85 had directed the Chairman not to send any paper of appointment and the Board was to approve all such appointments after that date. The Hon'ble Madras High Court had held the resolutions dated 18-4-85 and 29-4-85 of the erstwhile Laxmi Commercial Bank Limited as valid and proper and as such Shri Paramjit Singh the then Chairman had no power to appoint or promote any person and any such appointment was thus illegal, unjust and void. The application containing the order of appointment itself shows that something had been done in great haste and no report before giving any appointment from any quarter had been obtained by the Chairman there is no noting of any office and even the words '9th passed' against the word 'Qualifications' had been written in hand most probably by the chairman himself. The application was also addressed to the chairman for kind attention by name of the chairman Shri Paramjit Singh. The office issued the appointment letter on 26th April i.e. the next day. According to Annexure III Ex. MW1/2 resolution No. 22 dated 18th April, 1985 had resolution for no appointment or promotion in any of the cadre of the bank should be made without approval of the board of directors. As such the Chairman had no power to appoint any person and the appointment of the present workman, therefore, was void and he has been rightly dismissed from service.

9. The termination of the services of the workman w.e.f. 1-5-85 was justified and the workman was not

entitled to any other relief. Parties, are, however, left to bear their own costs of this reference.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Govt. for necessary action at their end.

GANPATI SHARMA, Presiding Officer
[No. L-12012|100|86-D.II(A)]

का.आ. 2260.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल बैंक आफ कामर्स के प्रवन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-90 को प्राप्त हुआ था।

S.O. 2260.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial dispute between the employers in relation to the Oriental Bank of Commerce and their workmen, which was received by the Central Government on the 11-8-90.

ANNEXURE

BEFORE SHRI GANPATI SHARMA: PRESID-
ING OFFICER: CENTRAL GOVT. INDUSTRIAL
TRIBUNAL: NEW DELHI

I. D. No. 100/88

In the matter of dispute between :

1. Shri Ram Bachan
2. Shri Lorik Parsad Singh
3. Shri Ganesh Parsad Yadav
4. Shri Dewan Singh Adhikari
5. Shri Shiv Charan Sharma
6. Shri Suresh Parsad, Pandey
7. Shri Ram Parkash Rai
8. Shri Jugal Kishore Singh

Versus

Chief Manager (Personnel)
Oriental Bank of Commerce
Head Office, Harsha Bhawan
E-Block, Connaught Place,
New Delhi-110001.

APPEARANCES: Shri K. K. Gupta with all the
workmen in person.

Shri Jagat Arora for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12011|34|88-D.II(A) dated 30-9-88 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Oriental Bank of Commerce in denying absorption of Shri Ram Bachan, Ganesh

Prasad, Diwan Singh, Yorick Prasad Singh, Ram Prakash Ray, Shiv Charan Sharma, A. P. Pandey and Jugal Kishore in bank's service is justified? If not to what relief are the concerned workmen entitled?"

2. The case was fixed on 23-7-90 for cross-examination of the Management witness when the parties settled their dispute and filed settlement mark 'A'. The statement of the parties were also recorded in which they stated that the award may be passed in terms of settlement mark 'A'. In view of the statement and the settlement mark 'A' while accepting the memorandum of settlement I Pass my award accordingly. Mark 'A' may be read as part of this settlement and award which is enclosed with this award. Party shall remain bound by the terms of the settlement and shall bear their own costs of this dispute.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

GANPATI SHARMA, Presiding Officer.
[No. L-12011|34|88-D.II(A)]

26th July, 1990.

FORM H

(Under Rule 58 of Industrial Disputes Act Central
Rules)

Memorandum of Settlement

Names of Parties

Representing employer(s)

Chief Manager (Personnel)
Oriental Bank of Commerce
Head Office, Harsha Bhawan
E-Block, Connaught Place
New Delhi-110001.

Representing workmen

1. Shri Ram Bachan
2. Shri Lorik Parsad Singh
3. Shri Ganesh Parsad
Yadav
4. Shri Dewan Singh Adhi-
kari
5. Shri Shiv Charan Sharma
6. Shri Suresh Parsad Pan-
dey
7. Shri Ram Parkash Rai
8. Shri Jugal Kishore Singh

Whereas Shri Ram Bachan and others have arisen a dispute against the Bank which is pending adjudication before the Central Government Industrial Tribunal, Delhi and;

Whereas under the said adjudication Shri Ram Bachan and others claim that Oriental Bank of Commerce is their principal employer though they have

been employed by the Security Services Private Limited and;

Where the management had filed its written statement before the Tribunal and denied the relationship of master-servant and;

Whereas during the pendency of the proceedings Shri Ram Bachan and others have represented that they had performed their services in the Bank with dedication and devotion and;

Whereas they do not want to engage in protracted litigation with the Bank and;

Whereas the Bank has also taken a humanitarian approach in view of the courts always taking a sympathetic view of the economically weaker sections of the society and;

Whereas there has been a long association of 8 years of these security guards, they being posted in the premises of the Bank, the parties have arrived at the following settlement:—

- (i) That subject to production of acceptable proof in support of age and clean relieving certificate from M/s. I.P.S.S. Shri Ram Bachan & Others would be offered fresh employment in the Bank w.e.f. the date of implementation of the award.
- (ii) That Shri Ram Bachan & Others would have no claim whatsoever whether monetary or otherwise against the Bank for their past services rendered at the Bank's premises after the fresh employment is given to them as stated above. No claim regarding P.F., Gratuity, continuity of service, seniority, compensation, leave, salary, etc., would be raised by Shri Ram Bachan & others in respect of their earlier service.
- (iii) That the settlement has been entered by the Bank keeping the humanitarian aspect in view and would not be cited as a precedent for any matter whatsoever. It is also without prejudice to the contention of Bank that Shri Ram Bachan and others have no legal claim against the Bank.
- (iv) That the parties agree that a copy of the settlement would be placed on records of the pending adjudication Case No. I.D. 100/89 before C.G.I.T. New Delhi and the Honble Tribunal requested to give an award in terms of this settlement.
- (v) That all claims in the dispute pending adjudication i.e. I.D. No. 100/89 are settled by this settlement.
- (vi) That after their fresh employment as subordinate staff, Shri Ram Bachan and others would be governed by the service conditions of Award Staff as are applicable from time to time.

Signed on this 18th day of July 1990 at New Delhi.

Sd/- Illigible
Signature of Parties

For & on behalf of the Bank

Sd/- (Illigible)

Chief Manager (Per.)

For & on behalf of Ram Bachan & Ors.
Sd/-

1. (RAM BACHAN)
s/o Shri Dabri Parsad
r/o 23/47, Trilok Puri,
New Delhi.
2. (LORIK PARSAD SINGH)
s/o Shri Bhainsad Singh
r/o B58/204, Rama Road,
Najatgarh Road, Moti Nagar,
New Delhi-110015.
3. (GANESH PARSAD YADAV)
s/o Shri Ganga Parsad Yadav
r/o G-17, Karampura,
New Delhi-110015.
4. (DEWAN SINGH ADHIKARI)
s/o Shri Ram Singh
R/o Gali No. 23,
House No. 52/74-A-14, Nai
Basti, Anand Parbat,
New Delhi.
5. (SHIV CHARAN SHARMA)
s/o Shri A. L. Sharma
r/o C/5/40, Sultanpuri,
New Delhi-110041.

Witnesses

1. Sd/- (Vidya Bhushan),
Steno Typist
Personnel Department
Oriental Bank of Commerce
Head Office
2. Sd/- (R. Nityanandan)
Manager Law,
Oriental Bank of Commerce
Head Office,
New Delhi.
6. (SURESH PARSAD PANDEY)
s/o Shri R. B. Pandey
r/o 23/240, Trilok Puri,
Delhi.
7. (RAM PARKASH RAI)
s/o Shri Baj Nath Rai
r/o C/5/40, Sultan Puri,
Delhi.
8. (JUGAL KISHORE SINGH)
s/o Shri Sohrat Singh
r/o House No. 4077, Gali
No. 15, Ajit Nagar,
New Delhi

का.ग्रा. 2261.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कारपोरेशन बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं 1), बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-7-90 को प्राप्त हुआ था।

S.O. 2261.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure in the Industrial dispute between the employers in relation to the Corporation Bank and their workmen, which was received by the Central Government on the 31-7-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY
(Presiding Officer : Justice S. N. KHATRI)

Reference No. CGIT-27 of 1990

PARTIES: Employers in relation to the management of Corporation Bank

and
their workmen

APPEARANCES:—

For the Management : Shri Domnic, Personnel
Officer

For the Workman : No appearance

Industry : Banking

State : Goa

Bombay, the 25th July, 1990

AWARD

The Central Government has referred the following industrial dispute to this Tribunal under section 10 of the Industrial Disputes Act, 1947, for adjudication :

“Whether the action of management of Corporation Bank, H.O. Mangalore in terminating the services of Shri Francis Rodrigues, Peon w.e.f. 10-4-89 is justified? If not, to what relief the said workman is entitled to?

2. After receipt of the reference, notice was issued by registered post to the Workman to his address, as given in the reference. It was received back unserved with the remark ‘not known’. The Management was requested to furnish the Workman’s correct address, which they did. The notice sent by registered post to the new address was also received back with the remark ‘unclaimed’. It is not possible to locate the workman. It appears he has left his ordinary place of residence for good. No useful purpose will be served by directing fresh service.

3. In the circumstances, I hold that it is not possible to proceed with the reference and render any finding on the question referred. In the interests of justice, liberty is however reserved to the workmen to apply for restoration of the reference to the file in accordance with Law. No order as to costs.

S. N. KHATRI, Presiding Officer
[No. G-12012/554/89-D.II(A)]

नई दिल्ली, 19 अगस्त, 1990

का.ग्रा. 2262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसूर भारत कोकिंग कोल लि. का मुनीडीह प्रोजेक्ट के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-90 को प्राप्त हुआ था।

New Delhi, the 14th August, 1990

S.O. 2262.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Moonridih Project M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 27-7-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1) (d) of the Industrial Disputes Act, 1947.

Reference No. 88 of 1988

PARTIES :

Employers in relation to the management of Moonridih Area of M/s. B. C. C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.
For the Workmen.—Shri B. K. Ghose, Member, Executive Committee, Janta Mazdoor Sangh. Later—Shri D. Mukherjee, Advocate.

STATE.—Bihar.

INDUSTRY.—Coal.

Dhanbad, the 20th July, 1990

AWARD

By Order No. 1-20012/236/87-D. 3(A), dated, the 20th July, 1988, the Central Government in

the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Moonidih Area of M/s. Bharat Coking Coal Limited, P. O. Moonidih, Dist. Dhanbad in superannuating Shri Kehar Singh, Tyndal Supervisor from the services w.e.f. 16-12-1986 is justified? If not, to what relief the workman is entitled?"

2. The case of the management of Moonidih Area of M/s. B. C. C. Ltd., District Dhanbad, as disclosed in the written statement submitted, details apart, is as follows :

Kehar Singh, the concerned workman, was found by the Executive Engineer under whom he was posted to be incapable of performing his normal duties due to his old age and infirmity. The Executive Engineer by his letter dated 8-3-86 addressed to the Project Officer, suggested for assessment of his age. The Project Officer, by his letter dated 12-6-86, requested the Personnel Manager to take necessary action in the matter. The Project Officer himself observed that the condition of the concerned workman and the manner of his performance of duties and came to the conclusion that the workman was incapable of performance of his duty and that he was likely to cause accident to himself and his other associates. After necessary consultation and discussion it was decided to send him to the Appex Medical Board of the company at Koyla Nagar for assessment of his age. Accordingly, the Project Officer filled in the necessary form and sent the same to the Personnel Manager who forwarded the same by his letter dated 18-9-86 to the Chairman, Appex Medical Board, Koyla Nagar for examination of the concerned and assessment of his age. The Appex Medical Board examined him on 5-11-86 and declared him of the age of more than 60 years on that date. The letter of Medical examination dated 7-11-86 issued under the signature of Chief Medical Officer was received by the General Manager of Moonidih Area and thereafter the concerned workman, by letter dated 16/18-11-86, superannuated from service with effect from 16-12-86. The age determined by the Appex Medical Board binds all parties and no workman can challenge the age so assessed by the Board. In the circumstances, it is asserted that the action of the management is legal, bonafide and according to the normal procedure duly approved by the Joint decision of the management and the union.

3. The case of the concerned workman, as disclosed in the written statement submitted on his behalf by the sponsoring union, Janta Mazdoor Sangh, briefly stated, is as follows :

The concerned workman, a permanent workman of Moonidih Project, Moonidih Area, had been working as Tyndal Supervisor with unblemished record of service. His date of birth was recorded in Form 'B' at the time of his appointment and also in CMPF record. His date of birth was communicated to him

as per his Identity Card as 48 years on 1-1-77. There was no variation in respect of his age in the record of the company and his normal date of superannuation was on 1-1-1989. Although there was no justifiable ground as per Company's policy, the management sent him to a Medical Board for ascertaining his age. The Medical Board arbitrarily determined his age without carrying out any test as required in the Medical Board arbitrarily determined his age without carrying out any test as required in the medical jurisprudence. As per arbitrary finding of the Medical Board the management superannuated him from service with effect from 15-12-86. The action of the management on the basis of arbitrary finding of the Medical Board is not justified. In the circumstance, the concerned workman is entitled to the relief of continuing in employment till he reaches the age of superannuation on 1-1-1989.

4. In rejoinder to the written statement of the sponsoring union, the management has stated that Identity Card was issued in the name of the concerned workman giving the particulars contained in Form 'B' and that the CMPF record is maintained at CMPF office. The right of the management to correct any false entry made in any register cannot be challenged. It has been asserted that the management got him medically examined on justifiable ground and the Appex Medical Board determined his age after following correct medical test and examination.

5. In rejoinder to the written statement of the management, the sponsoring union has stated that suggestion of the Executive Engineer for assessment of the age of the concerned workman on the ground of his alleged incapability to perform his normal duty is prejudicial. The conclusion of the Project Officer that the concerned workman was likely to cause accident to himself and other associates is baseless since no such apprehension had been expressed by Tyndal Mazdoor against him.

6. The management, in order to justify its action has laid in evidence a sheaf of documents which have been marked as Exts. M-1 to M-6. The management, however, has not examined any witness.

On the other hand, the sponsoring union has examined the concerned workman and laid in evidence the Identity Card of the concerned workman which has been marked Ext. W-2 and photo copy of the judgement passed by this Tribunal in Reference No. 2 of 1981.

7. Admittedly, the concerned workman, Kehar Singh, was working as permanent Tyndal Supervisor in Moonidih Project within Moonidih Area of M/s. BCC Ltd. It is the irrefragable position that he was superannuated from service with effect from 16-12-86.

8. It is the firm case of the sponsoring union that at the time of his appointment the date of birth of the concerned workman was recorded in Form 'B' register and that his date of birth was also recorded in CMPF record. It is the further case of the sponsoring union that the date of birth as communicated to him as per Identity Card was 48 years as on 1-1-77. The management, in its rejoinder has admitted that the Identity Card was issued in his name giving particulars as contained in Form 'B' register.

Admittedly, one of such particular is the age of the workman on the date of appointment. Thus, it is evident as per the admission of the management that Identity Card was issued to the concerned workman giving particulars as contained in Form 'B' register. But the management has contended in its rejoinder that the right of the management to correct any false entry made in any register cannot be challenged. It has not been specifically pleaded as to what was the nature of false entry and the register in which such entry crept in. The management has not examined any witness or produced any document to show that there existed any false entry in any register particularly any false entry in any register containing the date of birth of the concerned workman. The concerned workman has himself adduced evidence in this case. The management has not assailed him in cross-examination by putting any question or by any suggestion to him that there was a false entry with regard to his date of birth in any register. This being the state of evidence, I have no hesitation to hold that the date of birth of the concerned workman as recorded in the Identity Card cannot be disputed.

9. The management has admitted that this Identity case was prepared on the basis of entries as contained in Form 'B' register. I have already stated that one of such entry is the age of the workman at the time of his appointment. This being so, the age of the concerned workman as recorded in the Identity Card is in agreement with his age as recorded in Form 'B' register. There exists no variation in records nor there exists any glaring or apparent wrong entry in the record. Anyway, it appears that Executive Engineer of Moonidih Project, by letter dated 8-3-86 reported to the Project Officer, Moonidih Washery that the concerned workman, working at Moonidih Washery, was very old and that he was physically too weak, his eye defective and that he attain the age of superannuation. The Executive Engineer requested the Project Officer to refer the case to the Medical Board for assessment of his actual age (Ext. M-1). The Project Officer, Moonidih Washery informed the Personnel Manager, Moonidih Area, by letter dated 11-3-86/12-6-86 that the concerned workman attained the age of superannuation by physical appearance and that he was physically too weak to work and there would be always danger of accident if he was assigned the job as per his designation. The Project Officer requested the Personnel Manager to advice action in the matter (Ext. M-2). Thereafter the Personnel Manager, Moonidih Area referred the concerned workman to Annex Medical Board by his letter dated 18/19-9-86 (Ext. M-3). The Medical Board determined his age to be sixty years plus as on 5-11-86 (Ext. M-5) and notice of superannuation dated 16/18-11-86 was served on the concerned workman informing him that he was to retire from service with effect from 16-12-86 (Ext. M-4).

Shri B. Joshi, learned Advocate for the management, has contended that the management has got every right to determine the age of any workman by referring him to Medical Board in terms of the normal procedure duly approved by the Joint decision of the management and the union and he has relied on

the circular dated 5-2-81 (Ext. M-6) in support of his contention. The relevant portion of the circular is gleaned hereinbelow :

“(B) Review/determination of date of birth in respect of existing employees .

1. (a) Wherever there is no variation in records, such cases will not be reopened unless there is a very glaring and apparent wrong entry brought to the notice of the management. The management after being satisfied on the merits of the case will take appropriate action for correction through appropriate section for correction through are determination Committee/Medical Board. (b) Wherever there are variations, a suitable provision for age determination Committee/Medical Board would be made.
2. Age determination Committee/Medical Board for the above will be constituted by the management.
3. For determination of the age, the Committee referred to above may consider the evidence available with the Colliery Management age/of adduced before it by the employee.
4. Age so assessed by the Committee shall be communicated by the Management to the Employee concerned and also to the unit from where reference was received, for further necessary action.
5. The decision of the committee will be binding and final.
6. The above procedure will come into force with immediate effect and will supersede the existing procedure/orders, if any, on this subject.

Thus, the circular envisages that wherever there is no variation in records, such cases will not be reopened unless there is a very glaring and apparent wrong entry brought to the notice of the management. The management after being satisfied on the merits of the case will take appropriate action for correction through the age determination Committee/Medical Board.

There is no evidence surfaced in the record that there existed any variation in the record with respect to the age of the concerned workman or there existed any glaring and apparent wrong entry in the record.

Identity Card (Ext. W-2) which has been produced by the sponsoring union discloses that the age of the concerned workman was 48 years as on 1-1-77. As per admission of the management his Identity Card contains the particulars as recorded in Form 'B' register. The Form 'B' register contains the age of the concerned workman. In other words, the age of the concerned workman as recorded in Form 'B' is in agreement with that as recorded in the Identity Card. Thus, it is evidenced that there is no variation in the record of the management with regard to

the age of the concerned workman nor does any glaring and apparent wrong entry exist in any record. This being the position, the management was not justified in referring the concerned workman to Medical Board for determination of his age.

10. Shri D. Mukherjee, Advocate for the concerned workman, has submitted before me that the report of the Medical Board is no report at all since it does not contain any data on the basis of which the Board came to the finding that the concerned workman was aged 60 years plus as on 5-11-86. Indeed, the position is so. The report of the Medical Board does not disclose any data on the basis of which the Board was pleased to determine the age of the concerned workman as 60 years plus on 5-11-86. The report also does not disclose that any ossification test of the concerned workman was held to determine his age. In the circumstances the finding given in the medical report that the concerned workman was 60 years plus on 5-11-86 cannot be accepted.

11. Shri B. Mukherjee, Advocate, has also submitted before me that the concerned workman was not given any opportunity to adduce evidence in support of his age before he was directed to be superannuated. He has further submitted that this being the position, the action of the management in superannuating him is not sustainable since it offended the principle of natural justice. There is much substance in the contention of Shri

Mukherjee. The management, in my view, has acted arbitrarily without affording any opportunity to the concerned workman to adduce evidence in support of his age before superannuating him from service.

12. Anyway, the action of the management in superannuating the concerned workman from service with effect from 16-12-86 is not justified.

The date of birth of the concerned workman, as per his age as recorded in the Identity Card is 1-1-1929. He was due to retire from service on 31-12-1988. But he was retired from service with effect from 16-12-1986. Since he has already retired from service as per his age as recorded in the Identity Card. It is pointless to direct the management to reinstate him in service. The management is directed to pay him his wages from 16-12-86 to 31-12-88 and other benefits.

12. Accordingly, the following award is rendered the action of the management of Moonidih Area of M/s. B.C.C. Ltd., P.O. Moonidih, Dist. Dhanbad, in superannuating Kehar Singh, Tyndal Supervisor, with effect from 16-12-1986 is not justified. The management is directed to pay him wages from 16-12-1986 till 31-12-1988 and other benefits.

In the circumstances of the case I award no cost.

S. K. MITRA, Presiding Officer
[No. L-20012(236)/87-D.III(A)] [R (Coal-I)]
V. K. VENUGOPALAN, Desk Officer